

## **TOWN PLANNING BOARD**

### **Minutes of 360th Meeting of the Rural and New Town Planning Committee held at 2:30 p.m. on 2.11.2007**

#### **Present**

Director of Planning  
Mrs. Ava S.Y. Ng

Chairperson

Mr. Michael K.C. Lai

Vice-chairman

Professor Nora F.Y. Tam

Mr. David W.M. Chan

Dr. Lily Chiang

Mr. Tony C.N. Kan

Dr. C.N. Ng

Mr. Alfred Donald Yap

Mr. B.W. Chan

Mr. Y.K. Cheng

Dr. James C.W. Lau

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

Mr. Y.M. Lee

Principal Environmental Protection Officer (Strategic Assessment),  
Environmental Protection Department  
Mr. H.M. Wong

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

Secretary

**Absent with Apologies**

Ms. Carmen K.M. Chan

Professor David Dudgeon

Professor Peter R. Hills

Mr. Edmund K.H. Leung

Ms. Anna S.Y. Kwong

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

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

**In Attendance**

Assistant Director of Planning/Board  
Mr. Lau Sing

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

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

**Agenda Item 1**

Confirmation of the Draft Minutes of the 359th RNTPC Meeting held on 12.10.2007

[Open Meeting]

1. The draft minutes of the 359th RNTPC meeting held on 12.10.2007 were confirmed without amendments.

**Agenda Item 2**

Matters Arising

[Open Meeting]

(i) Town Planning Appeal Decision Received

Town Planning Appeal No. 10 of 2006

Temporary Vehicle Park for Goods Vehicles, Coaches and Container Vehicles for a Period of 3 Years in “Green Belt” zone,

Lot Nos. 867 S.A, 867 S.B, 867 S.C RP, 2507 S.A RP and 2507 S.B in D.D. 130, Lo Fu Hang, Tuen Mun

(Application No. A/TM-LTY Y/129)

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2. The Secretary reported that the decision of the Town Planning Appeal Board (TPAB) on the subject appeal had been received. The appeal was in relation to an application (No. A/TM-LTY Y/129) for temporary vehicle park for goods vehicles, coaches and container vehicles for a period of 3 years at a site zoned “Green Belt” on the approved Lam Tei and Yick Yuen Outline Zoning Plan (OZP) No. S/TM-LTY Y/6.

3. The Secretary said that the appeal was heard by the TPAB on 10.5.2007 and dismissed on 15.10.2007 respectively based on the following considerations:

- (a) the TPAB accepted that the planning intention of the draft OZP as well as the Town Planning Board Guidelines for ‘Application for Development within the Green Belt Zone’ were relevant considerations in determining s.16 application. The Appellants had not sought to argue nor provide any

basis to suggest that the planning intention was complied with. Further, there was also no evidence that the proposed development had in fact complied with the Guidelines and planning intention;

- (b) the TPAB accepted the argument that the planning intention was an important factor to be taken into account when deliberating on the appeal;
- (c) there was no supporting evidence to show that the proposed development would not cause any adverse impact to the surrounding areas in respect of the environmental, transport and drainage points of view. The TPAB accepted that by reference to the Guidelines, the burden of proof was on the Appellants to establish the absence of adverse impact on the surrounding areas and the Appellants had failed to do so; and
- (d) according to the photographs and plans produced in the PlanD's Witness Statement, the existing access road would not be sufficient for use by the types of vehicles that the proposed development was supposed to provide parking facilities. The proximity of the residential areas could also be seen. The additional noise generated by the increased traffic was inevitable as observed by the Director of Environmental Protection. This would cause a nuisance to the environment as well as the enjoyment of the occupants of the properties in the surrounding areas. There was no evidence to support that there was no flooding after the agricultural land was illegally converted into a car park. Furthermore, no flooding occurred in the past few years did not mean that it would not happen in future.

(ii) Appeal Statistics

2. The Secretary also reported that as at 2.11.2007, 13 cases were yet to be heard by the TPAB. Details of the appeal statistics were as follows:

Allowed	:	20
Dismissed	:	104

Abandoned/Withdrawn/Invalid	:	125
Yet to be Heard	:	13
<u>Decision Outstanding</u>	:	<u>5</u>
Total	:	267

### **Sai Kung and Islands District**

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

#### **Agenda Item 3**

[Open Meeting (Presentation and Question Sessions Only)]

Further Consideration of Application No. A/SK-HC/136

Proposed House Development

in “Residential (Group E)” zone,

Lots 300, 305RP, 306RP, 307RP, 343A2(Part), 344, 345, 346,

347 and 349RP(Part) in DD 210 and Adjoining Government Land,

Ho Chung, Sai Kung

(RNTPC Paper No. A/SK-HC/136)

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3. Dr. James C.W. Lau, having current business dealings with BMMK Ratcliffe Hoare & Co. Ltd., the consultant of the application, declared an interest in this item.

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

#### **Presentation and Question Sessions**

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

- (a) background to the application;

- (b) further consideration of the proposed house development - to exclude the Government land adjoining Hiram's Highway from the application site and provide a right-of-way to serve Lot 301 in DD 210 as well as corresponding amendments to the site area, development parameters and the master layout plan for the proposed development;
- (c) departmental comments – no objection from concerned Government departments was received;
- (d) during the statutory publication period of further information, five public comments were received objecting to the application mainly on the use of Government land for private development, adverse impact on the traffic of Hiram's Highway and the implementation of Hiram's Highway improvement work. There was also a request for provision of public carparking spaces to serve Luk Mei Tsuen; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application for reasons given in paragraphs 5.1 to 5.3 of the Paper. As regards the public comments on the use of Government land for private development, the applicant had excluded the Government land (about 209m<sup>2</sup>) adjacent to Hiram's Highway from the application site. Regarding the adverse impact on the traffic of Hiram's Highway and implementation of Hiram's Highway improvement work, Transport Department (TD) advised that the scale of the proposed development was relatively small and no adverse traffic impact on Hiram's Highway was envisaged. Besides, to enhance the existing local road capacity and minimize the potential traffic impact, approval condition on widening of Luk Cheung Road was recommended. The applicant was also advised to liaise with the Highways Department regarding the final alignment of the road improvement project and associated works. On the request for provision of public car parking spaces for Luk Mei Tsuen, TD advised that there was not sufficient parking demand to justify the provision of public carpark near Luk Mei Tsuen from traffic engineering viewpoint.

5. Members had no question on the application.

Deliberation Session

6. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 2.11.2011, 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 internal road layout and parking provision to the satisfaction of Commissioner for Transport or of the TPB;
- (b) the submission and implementation of Luk Cheung Road adjacent to the application site and junction improvement between Luk Cheung Road and Hiram's Highway to the satisfaction of Commissioner for Transport or of the TPB;
- (c) the submission and implementation of landscape and tree preservation proposals to the satisfaction of Director of Planning or of the TPB;
- (d) the provision of firefighting water supplies and fire service installations to the satisfaction of Director of Fire Services or of the TPB; and
- (e) the submission of an archaeological survey, and submission and implementation of mitigation measures proposals should significant archaeological deposits be discovered, to the satisfaction of Director of Leisure and Cultural Services or of the TPB.

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

- (a) to apply to the District Lands Officer/Sai Kung regarding the land exchange for the proposed development;
- (b) to note the Director of Environmental Protection's comment on the design of on-site sewage treatment facilities;

- (c) to note the Chief Building Surveyor/New Territories East, Buildings Department's comments on the emergency vehicular access, carparking space, recreation facilities and internal layout;
- (d) to note the Chief Highway Engineer/New Territories East, Highways Department's comment that the final road layout and land requirement of the Hiram's Highway improvement project was still under review and therefore the requirement of set back area and its extent were yet to be determined;
- (e) to liaise with the Director of Water Supplies regarding the measures taken to avoid the potential interface and impacts on the "Replacement and Rehabilitation of Water Mains Stage 2 Mainlaying Works in Sai Kung Area" project which was in the vicinity of the application site; and
- (f) to liaise with the District Officer/Sai Kung with a view to addressing the local concerns relating to the subject development.

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

#### **Agenda Item 4**

##### **Section 16 Applications**

[Open Meeting (Presentation and Question Sessions Only)]

- (i) A/SK-HC/152 Temporary Private Garden  
for a Period of 3 Years  
in 'Road' and "Village Type Development" zones,  
Lots 718RP(Part), 718A(Part), 1070A2(Part), 1070A3(Part)  
and Adjoining Government Land in DD 244,  
Ho Chung New Village,  
Sai Kung  
(RNTPC Paper No. A/SK-HC/152)
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### Presentation and Question Sessions

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

- (a) background to the application;
- (b) the temporary private garden for a period of 3 years;
- (c) departmental comments – no objection from concerned Government departments was received;
- (d) during the statutory publication period, two public comments were received objecting to the application on the use of Government land for private garden; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application for reasons given in paragraphs 10.1 and 10.2 of the Paper. Regarding the public comments, the portion of Government land involved was very small (about 6m<sup>2</sup>) and surrounded by private lots. There was no implementation programme for the proposed road and the existing access road was sufficient for the passage of emergency vehicle.

9. Members had no question on the application.

### Deliberation Session

10. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years up to 2.11.2010, on the terms of the application as submitted to the Town Planning Board.

11. The Committee agreed that the applicant should be reminded that prior planning permission should have been obtained before commencing the applied use at the application site.

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

- (a) to note the comments of the Director of Water Supplies that the applicant 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 applicant should also be responsible for the construction, operation and maintenance of the inside services within the private lots; and
- (b) to return the Government land within the application site upon demand by the District Lands Officer/Sai Kung without delay as required.

[Open Meeting (Presentation and Question Sessions Only)]

- (ii) A/SK-HC/154 Proposed Two Houses  
(New Territories Exempted House - Small House)  
in "Agriculture" zone,  
Lots 373H, 373I and 627A1 in DD 244,  
Ho Chung,  
Sai Kung  
(RNTPC Paper No. A/SK-HC/154)
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#### Presentation and Question Sessions

[Mr. Tony C.N. Kan and Dr. C.N. Ng joined the meeting during the presentation session.]

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

- (a) background to the application;
- (b) the two proposed New Territories Exempted Houses (Small Houses);
- (c) departmental comments – the Director of Agriculture, Fisheries and Conservation (DAFC) did not favour the application since the area in

which the application site was located was one of the major high quality agricultural lands;

- (d) during the statutory publication period, one public comment was received objecting to the proposed Small Houses as they were piecemeal development; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application for reasons given in paragraphs 11.1 to 11.3 of the Paper. Although DAFC was not in favour of the application, the site and its surrounding area were not under active cultivation. Regarding the public comment, the proposed Small Houses were compatible with the surrounding rural and village environment, with existing village houses found within 70m of the application site. Moreover, there was insufficient land within the “Village Type Development” zone for Small House development.

14. Members had no question on the application.

#### Deliberation Session

15. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 2.11.2011, 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 submission and implementation of landscape proposal to the satisfaction of Director of Planning or of the TPB.

16. The Committee also agreed to advise the applicant to note the comments of the Director of Water Supplies that the applicant 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.

[Open Meeting (Presentation and Question Sessions Only)]

- (iii) A/SK-HC/155 Proposed Two Houses  
(New Territories Exempted House - Small House)  
in "Agriculture" zone,  
Lots 373J, 373K, 373L, 627A2,  
627A3, and 627C in DD 244,  
Ho Chung,  
Sai Kung  
(RNTPC Paper No. A/SK-HC/155)
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#### Presentation and Question Sessions

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

- (a) background to the application;
- (b) the two proposed New Territories Exempted Houses (Small Houses);
- (c) departmental comments – the Director of Agriculture, Fisheries and Conservation (DAFC) did not favour the application since the area in which the application site was located was one of the major high quality agricultural lands;
- (d) during the statutory publication period, one public comment was received objecting to the proposed Small Houses as they were piecemeal development; and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application for reasons given in paragraphs 11.1 to 11.3 of the Paper. Although DAFC was not in favour of the application, the site and its surrounding area were not under active cultivation. Regarding the public comment, the proposed Small Houses were compatible with the surrounding rural and village environment, with existing village houses found within 60m of the application site. Moreover, there was insufficient land within the “Village Type Development” zone for Small House development.

18. Members had no question on the application.

#### Deliberation Session

19. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 2.11.2011, 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 submission and implementation of landscape proposal to the satisfaction of Director of Planning or of the TPB.

20. The Committee also agreed to advise the applicant to note the comments of the Director of Water Supplies that the applicant 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 Chairperson thanked Ms. Ann O.Y. Wong, STP/SKIs, for her attendance to answer Members' enquiries. Ms. Wong left the meeting at this point.]

**Sha Tin, Tai Po and North District**

[Mr. W.K. Hui, District Planning Officer/Tuen Mun and Yuen Long (DPO/STN), and Ms. Stephanie P.H. Lai, Senior Town Planner/Tuen Mun and Yuen Long (STP/STN), were invited to the meeting at this point.]

**Agenda Item 5**

**Section 16 Applications**

[Open Meeting (Presentation and Question Sessions Only)]

- (i)           A/NE-LYT/368       Temporary Open Storage of Building Materials  
for a Period of 3 Years  
in "Agriculture" zone,  
Lots T128(Part), 2806RP(Part), 2807RP in DD 51,  
Tong Hang,  
Fanling  
(RNTPC Paper No. A/NE-LYT/368)
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**Presentation and Question Sessions**

21.           Ms. Stephanie P.H. Lai, STP/STN, presented the application and covered the following aspects as detailed in the Paper :

- (a)   background to the application;
- (b)   the temporary open storage of building materials for a period of 3 years;
- (c)   departmental comments – the Transport Department had reservation on the application as the access road leading to the application site was not desirable for medium/heavy goods vehicle use. The Environmental

Protection Department did not support the application as there were domestic structures close to the site and along the access road leading to the application site. The Chief Town Planner/Urban Design and Landscape of Planning Department (PlanD) objected to the application from the landscape perspective and advised that the proposed use would result in further deterioration of existing landscape;

- (d) during the statutory publication period, one public comment was received with no comment on the application. Local support and objection were received from the District Officer/North. The objection was on traffic, environmental, drainage and road safety grounds; and
- (e) the PlanD's views – PlanD did not support the application for reasons given in paragraphs 12.2 and 12.3 of the Paper in that there was no previous approval given, there were adverse departmental comments and local concerns, and there was no technical submission to demonstrate that the applied use would not have adverse environmental, traffic and landscape impacts on the surrounding areas.

22. Members had no question on the application.

#### Deliberation Session

23. The Chairperson remarked that as the development was not in line with Town Planning Board Guidelines No. 13D, the application should not be approved.

24. After deliberation, the Committee decided to reject the application and the reason was that the development was not in line with Town Planning Board Guidelines No. 13D for Application for Open Storage and Port Back-up Uses in that there was no previous approval given for the application site. There were adverse departmental comments on and local objections to the application. There was no technical submission to demonstrate that the use under application would not have adverse environmental, traffic and landscape impacts on the surrounding areas.

[Open Meeting (Presentation and Question Sessions Only)]

- (ii) A/NE-LYT/369 Proposed Public Utility Installation  
(Electricity Package Transformer)  
in “Village Type Development” zone,  
Government Land in Fu Tei Pai,  
Fanling  
(RNTPC Paper No. A/NE-LYT/369)
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#### Presentation and Question Sessions

25. Ms. Stephanie P.H. Lai, STP/STN, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed public utility installation (electricity package transformer);
- (c) departmental comments – no objection from concerned Government departments was received;
- (d) no public comment was received during the statutory publication period;  
and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application for reasons given in paragraph 10.1 of the Paper.

26. Members had no question on the application.

#### Deliberation Session

27. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 2.11.2011, 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) submission and implementation of landscape proposals to the satisfaction of the Director of Planning or of the TPB;
- (b) the submission and implementation of drainage proposals to satisfaction of the Director of Drainage Services or of the TPB; and
- (c) the provision of fire service installations to the satisfaction of the Director of Fire Services or of the TPB.

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

- (a) to note the District Lands Officer/North, Lands Department's comments that the owner of the subject lot should submit formal application to his office for a Short Term Tenancy;
- (b) to note the Chief Engineer/Development(2), Water Supplies Department's comments:
  - (i) the application site was located within the flood pumping catchment area associated with River Indus and River Ganges pumping stations;
  - (ii) all spoils arising from site formation works should be contained and protected to prevent all nearby watercourse from being polluted or silting up;
  - (iii) the latest effluent discharge requirements stipulated in the Water Pollution Control Ordinance should be complied with; and
  - (iv) storage and discharge of toxicant, flammable or toxic solvents, petroleum oil or tar or any other toxic substances were prohibited.

[Open Meeting (Presentation and Question Sessions Only)]

- (iii) A/NE-TK/239 Proposed House  
(New Territories Exempted House - Small House)  
in “Village Type Development” and “Agriculture” zones,  
Lot 1222A in DD 17,  
Lo Tsz Tin Village,  
Tai Po  

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(RNTPC Paper No. A/NE-TK/239)

Presentation and Question Sessions

29. Ms. Stephanie P.H. Lai, STP/STN, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed New Territories Exempted House (NTEH) (Small House);
- (c) departmental comments – the District Lands Officer/Tai Po of Lands Department objected to the application as the site was not within any village ‘environs’ (‘VE’) and majority of the site fell outside the “Village Type Development” (“V”) zone. The Assistant Commissioner for Transport/New Territories of Transport Department had reservation on the application and considered that Small House development should be confined within the “V” zone as far as possible;
- (d) no public comment was received during the statutory publication period;  
and
- (e) the Planning Department (PlanD)’s views – PlanD did not support the application for reasons given in paragraph 11.1 of the Paper in that the footprint of the proposed house fell entirely outside both the ‘VE’ and the “V” zone, and the approval of the application would set an undesirable precedent.

30. Members had no question on the application.

### Deliberation Session

31. The Chairperson remarked that the proposed house did not comply with the revised interim criteria for consideration of application for NTEH/Small House in the New Territories and hence the application should not be approved.

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

- (a) the proposed house did not comply with the revised interim criteria for consideration of application for New Territories Exempted House/Small House in the New Territories in that the footprint of the proposed house was located entirely outside both the village ‘environs’ and the “Village Type Development” zone of a recognized village; and
- (b) the approval of the application would set an undesirable precedent for similar developments within “Agriculture” zone with cumulative adverse traffic and landscape impacts on the surrounding area.

[Open Meeting (Presentation and Question Sessions Only)]

- (iv) A/TP/393 Proposed House (New Territories Exempted House - Small House) (Redevelopment) in “Green Belt” and “Village Type Development” zones, Lot 1089 in DD 5, Tai Po Tau, Tai Po  
(RNTPC Paper No. A/TP/393)
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### Presentation and Question Sessions

33. Ms. Stephanie P.H. Lai, STP/STN, presented the application and covered the following aspects as detailed in the Paper :

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

34. Referring to Plan A-4 of the Paper, the Chairperson asked about the reason for redevelopment of the existing village house which was in satisfactory condition. Ms. Stephanie Lai responded that, according to the applicant, the existing house was built by his parents 10 years ago and the design did not suit the need of his family. It was therefore intended to rebuild the house.

#### Deliberation Session

35. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 2.11.2011, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

- (a) the submission and implementation of landscape proposals to the satisfaction of the Director of Planning or of the TPB; and
- (b) the submission and implementation of drainage facilities to the satisfaction of the Director of Drainage Services or of the TPB.

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

- (a) the applicant might need to extend his/her inside services to the nearest suitable government water mains for connection, and to resolve any land matter 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 Water Supplies Department's standards;
- (b) to note that water mains in the vicinity of the site could not provide the standard fire-fighting flow;
- (c) the applicant should consult the Environmental Protection Department regarding the sewage treatment/disposal aspects of the development and the provision of the proposed septic tank;
- (d) the "Code of Practice on Working near Electricity Supply Lines" should be observed 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 (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 have them replaced by underground cables; and
- (e) detailed fire safety requirements would be formulated by the Fire Services Department upon formal referral from the Lands Department.

[The Chairperson thanked Mr. W.K. Hui, DPO/STN, and Ms. Stephanie P.H. Lai, STP/STN, for their attendance to answer Members' enquiries. Mr. Hui and Ms. Lai left the meeting at this point.]

[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.]

## **Agenda Item 6**

### **Section 16 Applications**

[Open Meeting (Presentation and Question Sessions Only)]

- (i)           A/TM-LTY Y/162   Proposed Temporary Open Storage of  
Plastic Pipes and Ancillary Office for a Period of 3 Years  
in “Village Type Development” zone,  
Lots 3669RP, 3670, 3671, 3675C, 3675D, 3675E, 3721,  
3722(Part), 3724A, 3725A, 3725B, 3725RP, 3726A, 3726B,  
3726RP in DD 124,  
Sun Fung Wai,  
Tuen Mun  

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(RNTPC Paper No. A/TM-LTY Y/162)

### **Presentation and Question Sessions**

37.           The Secretary reported that a letter dated 31.10.2007 was received from Tuen Mun Rural Committee withdrawing their objections to the application after clarification with the local villagers. A copy of the letter was tabled at the meeting for consideration of the Committee.

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

- (a) background to the application;
- (b) the proposed temporary open storage of plastic pipes and ancillary office for a period of 3 years;

- (c) departmental comments – the Transport Department did not support the application as the location of the vehicular access was too close to the existing signalised junction. The Environmental Protection Department did not support the application as there were sensitive uses in the vicinity of the site and environmental nuisances were expected;
- (d) during the statutory publication period, one public comment was received and subsequently withdrawn; and
- (e) the Planning Department (PlanD)'s views – PlanD did not support the application for reasons given in paragraph 12.2 of the Paper in that the proposed development was not in line with the planning intention of “Village Type Development” zone, there were adverse departmental comments, there were no technical assessments/proposals submitted to demonstrate that the applied use would not generate adverse environmental, drainage and traffic impacts on the surrounding areas, and the approval of the application would set an undesirable precedent.

39. Members had no question on the application.

#### Deliberation Session

40. The Chairperson remarked that as the application was not in line with the Town Planning Board Guidelines No. 13D, the application was not supported.

41. 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 “Village Type Development” (“V”) zone which was to reflect the existing recognized and other villages, and to provide land considered suitable for village expansion and reprovisioning of village houses affected by Government projects. Land within “V” zone was primarily intended for development of Small Houses by indigenous villagers;

- (b) the application was not in line with the Town Planning Board Guidelines No. 13D in that there were no exceptional circumstances to justify approval, adverse departmental comments and local objection were received and there were no relevant technical assessments/proposals submitted to demonstrate that the applied use would not generate adverse environmental, drainage and traffic impacts on the surrounding areas; and
- (c) no similar applications were previously approved in the “V” zone. The approval of the application would set an undesirable precedent for similar applications within the “V” zone. The cumulative impact of approving such applications would result in a general degradation of the environment of the area.

[Open Meeting (Presentation and Question Sessions Only)]

- (ii) A/TM-SKW/55 Temporary Vegetable Collection and Transfer Station  
for a Period of 3 Years  
in “Village Type Development” zone,  
Government Land in DD 375,  
So Kwun Wat,  
Tuen Mun  

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(RNTPC Paper No. A/TM-SKW/55)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the temporary vegetable collection and transfer station for a period of 3 years;
- (c) departmental comments – the Agriculture, Fisheries and Conservation Department supported the application to provide vegetable marketing



services for the area;

- (d) during the statutory publication period, one public comment was received expressing agreement to the operation of the station to provide services to the farmers; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application for reasons given in paragraphs 11.1 and 11.2 of the Paper.

43. Members had no question on the application.

#### Deliberation Session

44. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years up to 2.11.2010, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no operation between 7:00 p.m. and 6:15 a.m. should be carried out at the application site during the planning approval period;
- (b) the drainage facilities on the site should be maintained at all times during the planning approval period;
- (c) the landscape planting on the site should be maintained at all times during the planning approval period;
- (d) the submission of fire service installations proposals within 3 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 2.2.2008;
- (e) in relation to (d) above, the provision of fire service installations proposed within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 2.5.2008;
- (f) if any of the above planning conditions (a), (b) or (c) was not complied

with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;

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

45. The Committee agreed that the applicant should be reminded that planning permission should have been renewed before continuing the applied use at the application site.

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

- (a) note the Director of Fire Services' comment that relevant building plans incorporated with the proposed fire service installations should be submitted to his Department for approval even though the submission of general building plans was not required under the Buildings Ordinance; and
- (b) follow the "Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites" issued by the Environmental Protection Department.

[Open Meeting (Presentation and Question Sessions Only)]

- (iii) A/YL/151 Proposed Comprehensive Residential/  
Commercial Development and  
Minor Relaxation of Plot Ratio Restriction  
to Include the Gross Floor Area 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)
- 

47. The application was submitted by a subsidiary of Sun Hung Kai Properties Ltd. (SHK). Messrs. Alfred Donald Yap and Y.K. Cheng, having current business dealings with SHK, declared interests in this item.

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

#### Presentation and Question Sessions

48. 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 comprehensive residential/commercial development and minor relaxation of plot ratio restriction to include the gross floor area of public right-of-way (amendments to approved scheme under application No. A/YL/132) - mainly related to the changes in building form and floor plans of residential towers in order to provide more large-size units in the proposed development. A public transport interchange of 7,100m<sup>2</sup> was deleted with corresponding adjustments to the layout of the podium floors;

- (c) departmental comments – no objection from concerned Government departments was received;
- (d) during the statutory publication period, 11 public comments were received objecting to the application mainly on the grounds that the proposed development would have adverse air ventilation, visual, fung shui, traffic, drainage, hygiene and pollution impacts and create wall effect on the surrounding area; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application for reasons given in paragraphs 10.1 to 10.3 of the Paper. The proposed amendments were minor and technical in nature and the development parameters of the residential portion such as gross floor area, number and design, disposition and height of residential blocks remained unchanged. As regards the public comments, similar concerns were previously raised by local villagers in connection with applications No. A/YL/132 and A/YL/134-1 which had already been duly considered by the Committee. Concerned Government departments had no adverse comments on traffic, environmental and drainage aspects. Approval conditions were also recommended to address the concerns on environmental, traffic, drainage, landscape and visual impacts. The applicant was advised to explain to the Village Representatives on the latest development proposal and implementation progress.

49. Members had no question on the application.

#### Deliberation Session

50. After deliberation, the Committee decided to approve the Master Layout Plan (MLP) and the application, under sections 4A and 16 of the Town Planning Ordinance, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 2.11.2011, 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 revised MLP to take into account conditions (d), (g) to (j), (m), (o) and (p) below to the satisfaction of the Director of Planning or of the TPB;
- (b) the submission and implementation of the Landscape Master Plan to the satisfaction of the Director of Planning or of the TPB;
- (c) the submission of an implementation programme with phasing proposal to the satisfaction of the Director of Planning or of the TPB;
- (d) the design and provision of structural openings and supports for footbridges connecting to adjacent developments in the north, east, south and west of the site, and those for vehicular bridge connecting to the “Comprehensive Development Area” (“CDA”) development to the north, as proposed by the applicant, to the satisfaction of the Director of Highways or of the TPB;
- (e) the design and implementation of the improvement works for Pok Oi Interchange of Yuen Long Highway and Castle Peak Road-Yuen Long, as proposed by the applicant, to the satisfaction of the Commissioner of Transport or of the TPB;
- (f) the design and implementation of the junction improvement works for Fung Kam Street/Fung Yau Street South and Fung Cheung Road/Fung Kam Street, as proposed by the applicant, to the satisfaction of the Commissioner of Transport or of the TPB;
- (g) the provision of emergency vehicular access, water supplies for fire-fighting and fire service installations to all residential blocks to the satisfaction of the Director of Fire Services or of the TPB;
- (h) the provision of vehicular access arrangement, including internal vehicular access and ingress/egress points to the satisfaction of the Commissioner for Transport or of the TPB;
- (i) the design and provision of a nursery/kindergarten, as proposed by the

applicant, to the satisfaction of the Secretary for Education or of the TPB;

- (j) the design and provision of noise mitigation measures to the satisfaction of the Director of Environmental Protection or of the TPB;
- (k) the provision of sewerage works and the arrangement of their operation and maintenance, as recommended in the approved sewerage impact assessment and necessitated by the development, to the satisfaction of the Director of Environmental Protection or of the TPB;
- (l) the submission of a revised drainage impact assessment to ascertain the effects of the proposed development and the provision of flood mitigation measures and drainage facilities, as necessitated by the proposed development, to the satisfaction of the Director of Drainage Services or of the TPB;
- (m) the provision of a Drainage Reserve for the operation and maintenance of the nullah along the south-western boundary of the application site to the satisfaction of the Director of Drainage Services or of the TPB;
- (n) the provision of waterworks reserve areas for protection of existing water mains and any diversion required by the proposed development to the satisfaction of the Director of Water Supplies or of the TPB;
- (o) the design and implementation of the pedestrian crossing across the nullah along the south-western boundary of the application site, as proposed by the applicant, to the satisfaction of the Director of Drainage Services or of the TPB; and
- (p) the design and implementation of the cycle track/footpath system of the proposed development to the satisfaction of the Commissioner for Transport or of the TPB.

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

- (a) to resolve any land issues relating to the development with the concerned land owners of the application site;
- (b) to revise the MLP to take into account the conditions of approval imposed by the TPB. The approved MLP, together with the set of approval conditions, would be certified by the Chairman of the TPB and deposited in the Land Registry in accordance with section 4(A)(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;
- (c) to note the Chief Estate Surveyor/Headquarters, Lands Department's comments that the average floor to floor height of the residential floor would have to be determined at the building plan stage. The alignment and dimension of the right-of-way (ROW) on G/F were different from the one under the Conditions of Exchange of Yuen Long Town Lot 504. There was no guarantee that the proposed loading/unloading activities within the ROW would be approved under the lease. If approved, the area occupied by loading/unloading activities would normally be counted towards the non-domestic gross floor area (GFA) under the lease. Besides, any area of facilities which were not specifically exempted from GFA calculation under the lease, such as the footpath and cycle track which should be provided outside the lot boundary and along Green Area, would be counted for the non-domestic GFA. The extent of the 24-hour public pedestrian passageway to be exempted from GFA calculation would have to be determined at the building plan stage and there was no guarantee that it would be exempted from GFA calculation under the lease. The construction, management and maintenance responsibility of the proposed pedestrian crossing across the nullah and footbridges connecting to another "CDA" site to its south (i.e. YOHO Town Phase 1), its east and an existing footbridge to its west should be addressed with concerned Government departments outside the lease;
- (d) to note the Chief Building Surveyor/New Territories West, Buildings Department's comments that the public ROW, the cycle track and footpath

and the loading/unloading for public transport should be included in GFA calculation under the Buildings Ordinance (BO). While the area for 'commercial' was accountable for GFA, the areas of loading/unloading, car park and E&M would be duly considered under Building (Planning) Regulation 23(3) and PNAP 13 for the purpose of plot ratio/GFA calculation at building plan submission stage. The area for 24-hour public pedestrian walkway that could be exempted from GFA calculation would be considered under PNAP 233 at building plan submission stage but no bonus for additional plot ratio and site coverage would be allowed under the BO. Detailed checking would be carried out at building plan submission stage as the layout for podium floors would be revised;

- (e) to note the Chief Engineer/Mainland North, Drainage Services Department's comments that the concerned section of open channel fell under the study area of the on-going Feasibility Study of Agreement No. CE 39/2006 – Rehabilitation of Yuen Long Town Nullahs (the study), which aimed to enhance the ecological environment of the channel in Yuen Long Town. The proposal of decking this section of open channel and the ultimate form of rehabilitating this channel were being reviewed under the study. The study had commenced in January 2007 and was scheduled for completion by mid 2008;
- (f) to note the Chief Town Planner/Urban Design & Landscape, Planning Department's comments that planting opportunities were available in the Piazza areas which could enhance the landscape quality of the proposed development. The applicant was encouraged to provide more landscape planting in this regard. Besides, the open space provision should be complied with the requirement of the Hong Kong Planning Standards and Guidelines;
- (g) to continue to liaise with relevant Government departments on the implementation of the proposed public facilities (including lay-by for franchised buses, taxi and green mini-bus, footpath, cycle track), pedestrian crossing across the nullah and footbridges;



- (h) to resubmit a revised scheme for the TPB's consideration if the area of the 24-hour public pedestrian passageway was to be included into the GFA and plot ratio calculation; and
- (i) to approach the Village Representatives of Nam Bin Wai, Tung Tau Tsuen, Tsoi Uk Tsuen, Tai Wai Tsuen, Yeung Uk Tsuen, Kong Tau Tsuen, Ha Yau Tin Tsuen, Ying Lung Wai and Tung Sun Wong Uk Tsuen explaining the development proposal and implementation progress.

### Remarks

52. As requested by Mr. Alfred Donald Yap, Members agreed to advance the consideration of application No. A/YL-NTM/218.

[Open Meeting (Presentation and Question Sessions Only)]

- (iv) A/YL-NTM/218 Minor Relaxation of Building Height Restriction for Permitted Residential Development in "Residential (Group C)" zone, Extension to Lot 4773RP in DD 104, Ngau Tam Mei, Yuen Long  
(RNTPC Paper No. A/YL-NTM/218)
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53. The application was submitted by a subsidiary of Sun Hung Kai Properties Ltd. (SHK). Messrs. Alfred Donald Yap and Y.K. Cheng, having current business dealings with SHK, declared interests in this item. The Committee noted that Messrs. Yap and Cheng had already left the meeting.

### Presentation and Question Sessions

54. 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) minor relaxation of building height restriction for permitted residential development;
- (c) departmental comments – no objection from concerned Government departments was received;
- (d) during the statutory publication period, one public comment was received against the application on the grounds that the proposed development would involve granting of Government land within burial ground, affect the existing access to the nearby villages and the burial areas, and create traffic and fung shui impacts; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application for reasons given in paragraphs 11.1 and 11.2 of the Paper. As regards the public comment, the site fell outside the recognised burial grounds and no Government land was involved. The local track leading to Ngau Tam Mei Road had been earmarked as a right-of-way under the lease to serve the rural settlement. Moreover, according to the lease conditions, the developer was required to construct a public footpath along the western lot boundary to the burial areas concerned.

55. A Member asked whether the relevant Government departments would liaise with the local villagers with a view to addressing their concerns. Mr. Anthony Lee responded that the situation would be monitored and discussion with San Tin Rural Committee would be held, if necessary.

#### Deliberation Session

56. In response to a Member's enquiry, the Secretary said that after consideration of the application by the Committee, the Secretariat would send a reply to each of the commenters enclosing the relevant minutes of meeting. This Member opined that the local concerns should better be resolved before the development taken place. The Chairperson remarked that it would be more appropriate for the applicant to liaise with the local villagers and explain to them about the details of the development proposal.

57. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board. The permission should be valid until 2.11.2011, 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.

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

- (a) to note the Chief Building Surveyor/New Territories West, Buildings Department's comments that the interpretation of building height of the proposed development at paragraph 3.2.2 of the submitted planning statement was not in line with the interpretation stipulated under Building (Planning) Regulation 23(1); and
- (b) to liaise and explain to the local villagers regarding details of the development proposal.

[Messrs. Alfred Donald Yap and Y.K. Cheng returned to join the meeting at this point.]

[Open Meeting (Presentation and Question Sessions Only)]

- (v) A/YL-HT/509 Temporary Open Storage of Construction Machinery and Materials with Ancillary Workshop for a Period of 3 Years in "Undetermined" zone, Lots 1805(Part), 1831(Part), 1832(Part) and 1836(Part) in DD 125, Ha Tsuen, Yuen Long  
(RNTPC Paper No. A/YL-HT/509)
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- (vi) A/YL-HT/510 Temporary Open Storage of Construction Machinery with Ancillary Workshop for a Period of 3 Years in “Undetermined” zone,  
Lots 1836(Part) and 1837(Part) in DD 125,  
Ha Tsuen,  
Yuen Long  
(RNTPC Paper No. A/YL-HT/510)
- 

59. Dr. James C.W. Lau, having current business dealings with Top Bright Consultants Ltd., the consultant of the applications, declared interests in these items.

[Dr. James C.W. Lau and Mr. Tony C.N. Kan left the meeting temporarily at this point.]

60. Noting that the two applications were similar in nature and the sites were adjacent to one another within the same “Undetermined” zone, Members agreed that the applications could be considered together.

#### Presentation and Question Sessions

61. 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) both applied for temporary open storage uses for a period of 3 years;
- (c) departmental comments – no objection from concerned Government departments for both applications was received;
- (d) during the statutory publication period, one public comment was received for each of the application both objecting on traffic ground; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the applications for reasons given in paragraphs 12.2 and 12.3 of the Papers. As regards the public comments, the Transport Department had no

objection and an approval condition to restrict the types of vehicles on site was recommended to both applications.

62. Members had no question on the applications.

#### Deliberation Session

63. The Chairperson remarked that as the planning intention of the “Undermined” zone was under review, it was considered that approval of temporary use in the interim would not frustrate the long-term use.

64. In response to a Member’s enquiry on tree preservation, the Chairperson remarked that approval conditions on the submission and implementation of tree preservation and landscape proposals would be imposed.

65. After deliberation, the Committee decided to approve the application No. A/YL-HT/509 on a temporary basis for a period of 3 years up to 2.11.2010, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no night time operation between 6:00 p.m. and 9:00 a.m., as proposed by the applicant, should be carried out at the application site during the planning approval period;
- (b) no operation on Sundays and public holidays was allowed on the site during the planning approval period;
- (c) no heavy vehicle (i.e. over 24 tonnes), including container trailer and tractor, was allowed for the operation of the site during the planning approval period;
- (d) the stacking height of construction machineries/materials stored on site should not exceed 2m, as proposed by the applicant, at any time during the planning approval period;

- (e) the existing drainage facilities implemented under the previous approved application No. A/YL-HT/348 should be maintained at all times during the planning approval period;
- (f) the submission of a condition record of the existing drainage facilities on site within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 2.2.2008;
- (g) 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 2.5.2008;
- (h) in relation to (g) above, the implementation of the tree preservation and landscape proposals within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 2.8.2008;
- (i) the submission of fire service installation proposals within 6 months from the date of planning approval to the satisfaction of Director of Fire Services or of the TPB by 2.5.2008;
- (j) in relation to (i) 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 2.8.2008;
- (k) if any of the above planning conditions (a), (b), (c), (d) or (e) 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;
- (l) if any of the above planning conditions (f), (g), (h), (i) or (j) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and
- (m) upon expiry of the planning permission, the reinstatement of the application

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

66. The Committee agreed that the applicant should be reminded that planning permission should have been renewed before continuing the applied use at the application site.

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

- (a) resolve any land issues relating to the development with the concerned owner(s) of the application site;
- (b) note the District Lands Officer/Yuen Long, Lands Department's comments 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, and to apply for Short Term Waiver for the unauthorised structures on site;
- (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 from Ping Ha Road 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) 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 for the widening of Ping Ha Road and that the applicant should not be entitled for any compensation thereof;
- (e) note the Chief Engineer/Development (2), Water Supplies Department (WSD)'s comments that for provision of water supply to the development, the applicant might need to extend his 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;

- (f) 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
- (g) note the Director of Fire Services' comments that detailed fire safety requirements would be formulated upon receipt of formal submission of general building plans, and to approach his Dangerous Goods Division for advice on licensing of the premises for workshop purpose where necessary.

68. After deliberation, the Committee decided to approve the application No. A/YL-HT/510 on a temporary basis for a period of 3 years up to 2.11.2010, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no night time operation between 6:00 p.m. and 9:00 a.m. as proposed by the applicant should be carried out at the application site during the planning approval period;
- (b) no operation on Sundays and public holidays was allowed on the site during the planning approval period;
- (c) no heavy vehicle (i.e. over 24 tonnes), including container trailer and tractor was allowed for the operation of the site during the planning approval period;
- (d) the stacking height of construction machineries stored on site should not exceed 2m as proposed by the applicant at any time during the planning approval period;
- (e) the existing drainage facilities implemented under the previous approved



application No. A/YL-HT/355 should be maintained at all times during the planning approval period;

- (f) the submission of a condition record of the existing drainage facilities on site within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 2.2.2008;
- (g) 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 2.5.2008;
- (h) in relation to (g) above, the implementation of the tree preservation and landscape proposals within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 2.8.2008;
- (i) the submission of fire service installations proposals within 6 months from the date of planning approval to the satisfaction of Director of Fire Services or of the TPB by 2.5.2008;
- (j) in relation to (i) above, the provision of fire service installations proposed within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 2.8.2008;
- (k) if any of the above planning conditions (a), (b), (c), (d) or (e) 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;
- (l) if any of the above planning conditions (f), (g), (h), (i) or (j) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and
- (m) upon expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of

the TPB.

69. The Committee agreed that the applicant should be reminded that planning permission should have been renewed before continuing the applied use at the application site.
70. The Committee also agreed to advise the applicant of the following :
- (a) resolve any land issues relating to the development with the concerned owner(s) of the application site;
  - (b) note the District Lands Officer/Yuen Long'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, and to apply for Short Term Waiver for the unauthorised structures on site;
  - (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 from Ping Ha Road 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) 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 for the widening of Ping Ha Road and that the applicant should not be entitled for any compensation thereof;
  - (e) note the Chief Engineer/Development (2), Water Supplies Department (WSD)'s comments that for provision of water supply to the development, the applicant might need to extend his inside services to the nearest suitable Government water mains for connection, 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;

- (f) 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
- (g) note the Director of Fire Services' comments that detailed fire safety requirements would be formulated upon receipt of formal submission of general building plans, and to approach his Dangerous Goods Division for advice on licensing of the premises for workshop purpose where necessary.

[Dr. James C.W. Lau and Mr. Tony C.N. Kan returned to join the meeting at this point.]

[Open Meeting (Presentation and Question Sessions Only)]

- (vii) A/YL-HT/513 Renewal of Planning Approval for Temporary Open Storage of Construction Materials, Container Vehicle Park with Ancillary Repair Workshop for a Period of 3 Years in "Comprehensive Development Area" zone, Lots 3203RP, 3253, 3254A, 3254RP(Part), 3255, 3256RP, 3270, 3271 and 3272 in DD 129, Ha Tsuen, Yuen Long  

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(RNTPC Paper No. A/YL-HT/513)

#### Presentation and Question Sessions

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

- (a) background to the application;
- (b) renewal of planning approval for temporary open storage of construction

materials, container vehicle park with ancillary repair workshop for a period of 3 years;

- (c) departmental comments – the Environmental Protection Department (EPD) did not support the application as there was sensitive use in the vicinity of the site and environmental nuisance was expected;
- (d) no public comment was received during the statutory publication period; and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for reasons given in paragraphs 12.2 and 12.3 of the Paper. To address EPD's concerns, approval conditions were recommended to mitigate any potential environmental impacts.

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 up to 2.11.2010, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no night-time operation from 7:00 p.m. to 7:00 a.m. was allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays was allowed on the site during the planning approval period;
- (c) the stacking height of materials stored within 5m of the periphery of the site should not exceed the height of the boundary fence during the planning approval period;
- (d) the existing drainage facilities implemented on the site under the previous approved application No. A/YL-HT/363 should be maintained during the

planning approval period;

- (e) the submission of a condition record of the existing drainage facilities implemented under application No. A/YL-HT/363 within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 2.2.2008;
- (f) 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 2.5.2008;
- (g) the provision of fire service installations proposed within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 2.8.2008;
- (h) the submission of tree preservation and landscape proposals within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 2.5.2008;
- (i) in relation to (h) above, the implementation of tree preservation and landscape proposals within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 2.8.2008;
- (j) 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;
- (k) if any of the above planning conditions (e), (f), (g), (h) or (i) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and
- (l) upon expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the TPB.

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

- (a) resolve any land issues relating to the development with the concerned owner(s) of the application site;
- (b) note the District Lands Officer/Yuen Long, Lands Department's comments that the lots under application was an Old Schedule Agricultural Lot 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 Wavier to regularize the existing structures on site;
- (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 the relevant lands and maintenance authorities should be consulted 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 in order to minimize the possible environmental nuisance;
- (e) note the Chief Building Surveyor/New Territories West, Buildings Department's comments that all building works were subject to compliance with the Buildings Ordinance (BO). Authorised Person must be appointed to coordinate all building works. The granting of planning approval should not be construed as an acceptance of the unauthorised structures on site under the BO. Enforcement action might be taken to effect the removal of all unauthorised works in the future;
- (f) note the Director of Fire Services' comments 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 BO. The proposed use of workshop in part of the site might involve activities of storage/use of Dangerous Goods, and the applicant/operator should approach the Dangerous Goods Division of his Department for advice on licensing of the premises for the said purposes where necessary; and

- (g) note the Chief Engineer/Land Works, Civil Engineering and Development Department's comments that ingress/egress via Ping Ha Road to/from the site might be affected during the construction period for the widening of Ping Ha Road and the applicant should not be entitled for any compensation thereof.

[Open Meeting (Presentation and Question Sessions Only)]

- (viii) A/YL-LFS/167 Proposed House Development  
in "Residential (Group E)" zone,  
Lot 3578 in DD 129,  
Lau Fau Shan,  
Yuen Long  
(RNTPC Paper No. A/YL-LFS/167)
- 

75. Dr. James C.W. Lau, having current business dealings with Wong & Leung Architects Ltd., the consultant of the application, declared an interest in this item.

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

#### Presentation and Question Sessions

76. 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 house development;

- (c) departmental comments – the Director of Environmental Protection had grave concern on the potential industrial/residential (I/R) interface problem on the future residents of the proposed house and considered the proposed development environmentally undesirable;
- (d) no public comment was received during the statutory publication period; and
- (e) the Planning Department (PlanD)’s views – PlanD did not support the application for reasons given in paragraph 11.1 of the Paper in that there was insufficient information in the submission to demonstrate that the I/R interface problem could be adequately addressed and the proposed development would not be subject to adverse environmental impacts from the nearby industrial uses.

77. Noting that the “Residential (Group E)” (“R(E)”) zone where the site was located was currently occupied by a number of industrial and open storage uses, a Member asked whether the site should be developed for residential use in order to phase out such uses. Mr. Anthony Lee responded that the site was adjacent to a number of industrial and open storage uses including vehicular repair workshops and open storage yards as well as seafood trade market and restaurants. There was also a lorry park to the immediate south of the site, which was an ‘existing use’ tolerated under the Town Planning Ordinance. Operation in these uses would cause adverse noise impacts on the proposed house development, in particular during the early morning when the seafood trade markets near Lau Fau Shan Roundabout and at the lorry park were in active operation. While PlanD had no objection to the proposed house use in the “R(E)” zone, the proposed development was not in line with the planning intention in that DEP had grave concern on the potential I/R interface problem on the future residents of the proposed house and considered the proposed development environmentally undesirable. There was insufficient information in the submission to address the environmental concerns and provide appropriate mitigation measures.

#### Deliberation Session

78. Two Members raised concerns on the implementation of the “R(E)” zone while the industrial and open storage uses were still in active operation. The Secretary remarked



that while the planning intention of the “R(E)” zone was intended for phasing out of industrial and open storage uses through redevelopment for residential use on application to the Town Planning Board, it should ensure that any new residential development would be environmentally acceptable and not subject to any I/R interface problems. The site was currently subject to various environmental problems, including industrial noise, traffic noise, chimney emission and sewerage impacts. As the applicant had not provided sufficient information in the submission to demonstrate that the environmental problems could be properly addressed, it might not be appropriate at this stage to grant permission for the proposed house development. In the longer term, upon the satisfactory resolution of the I/R interface problems and the gradual phasing out of those industrial and open storage uses, the prospect for realizing the planning intention of the “R(E)” zone would be higher. These views were shared by Mr. H.M. Wong who added that the site was adjacent to a number of industrial and open storage uses as well as seafood trade market. Operation in these uses would cause significant adverse noise impact on the proposed house. Besides, according to the latest sewer alignment, there was no sewer available nearby for connection. Appropriate mitigation measures should be implemented to address the I/R interface problems including the noise and sewerage impacts.

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

79. Noting that there was no sewer available nearby, a Member asked how the sewerage problem could be dealt with in the previously approved application No. A/YL-LFS/150 for a proposed eating place (restaurant). The Secretary said that the applicant had proposed on-site sewage treatment and disposal facilities in both of the current and previous applications. She added that DEP had raised similar environmental concern and had not supported the previous applications for restaurant use. The Committee approved the restaurant use at that time on consideration that there were previous planning approvals and departmental concerns could be addressed through imposition of approval conditions. In the current application, should the Committee decide to approve the house development, the applicant would be required to provide appropriate sewage treatment and disposal facilities to the satisfaction of DEP.

80. The Chairperson concluded that as there was insufficient information in the submission to demonstrate that the environmental and sewerage problems could be properly addressed, the proposed house development was not supported. Members agreed.

81. After deliberation, the Committee decided to reject the application and the reason was that there was insufficient information in the submission to demonstrate that the industrial/residential interface problem could be adequately addressed and the proposed development would not be subject to adverse environmental impacts from the nearby industrial uses.

[Mr. Tony C.N. Kan left the meeting and Dr. James C.W. Lau returned to join the meeting at this point.]

[Open Meeting (Presentation and Question Sessions Only)]

- (ix)           A/YL-LFS/168           Proposed Temporary Open Storage of  
Construction Materials (Steel, Scrap Metal and Tile)  
for a Period of 3 Years  
in “Residential (Group E)” and “Recreation” zones,  
Lots 2219RP(Part) and 2226(Part) in DD 129  
and Adjoining Government Land,  
Deep Bay Road,  
Lau Fau Shan,  
Yuen Long  
(RNTPC Paper No. A/YL-LFS/168)
- 

#### Presentation and Question Sessions

82. 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 construction materials (steel, scrap metal and tile) for a period of 3 years;
- (c) departmental comments – the Director of Environmental Protection (DEP) did not support the application as there were sensitive uses in the vicinity of

the site and along the access road, and environmental nuisance was expected;

- (d) during the statutory publication period, one public comment was received objecting to the application on traffic and environmental grounds; and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the proposed use could be tolerated for reasons given in paragraphs 12.2 and 12.3 of the Paper in that the approval of the application on a temporary basis would not frustrate the planning intention of the “Residential (Group E)” (“R(E)”) and “Recreation” (“REC”) zones. To address DEP’s and the commenter’s concern, approval conditions were recommended to mitigate any potential traffic and environmental impacts.

83. Members had no question on the application.

#### Deliberation Session

84. Referring to Plan A-2 of the Paper, a Member asked about the current situation and the previous application of the site. Mr. Anthony Lee said that the site was currently vacant under site formation. The latest application No. A/YL-LFS/144 for the same use was approved by the Town Planning Board (the Board) upon review for a period of 12 months up to 22.12.2007. All approval conditions including the submission and implementation of landscape and drainage proposals had been complied with.

85. Referring to Appendix III of the Paper, another Member noted that all the previous applications covering the site were approved on a temporary basis of 12 months since 1996. This Member asked whether the Committee should follow the previous approvals in granting one-year permission instead of 3 years as applied for, should the application be approved.

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

86. Referring to paragraph 1.2 and Plan A-3 of the paper, a Member pointed out that although one-year permission was granted to the applicant under application No.

A/YL-LFS/144, the site was still vacant with no operation. The current situation had provided an opportunity for the Committee to reconsider the case based on the latest planning circumstances taken into account the proposed house development within the same “R(E)” zone under application No. A/YL-LFS/167 considered by the Committee at this meeting. Approving the subject application was not in line with the planning intention of the “R(E)” zone which was intended primarily for phasing out of those incompatible industrial and open storage uses currently found in the area. In this regard, the Secretary clarified that, according to the Town Planning Board Guidelines (TPB PG) No. 13D, for applications falling within Category 2 and Category 3 areas, they could be approved subject to no adverse departmental comments, previous approvals granted and full compliance with previous approval conditions. She said that when the TPB PG-No. 13D were drawn up, there was no proposed house development in the vicinity of the subject site. The latest proposed house development in the “R(E)” zone reflected that, as far as the subject “R(E)” zone was concerned, there was a mismatch between the planning intention and the categorisation under the TPB PG-No. 13D.

87. Another Member asked whether the previous application No. A/YL-LFS/144 was approved on consideration that the operation would be tolerated for one year to allow time for the applicant to relocate the operation. The Secretary said that a period of 1 year, instead of 3 years as applied for, was granted under application No. A/YL-LFS/144 in order to monitor the situation on site and allow the applicant to address the concerns of the relevant Government departments.

88. A Member opined that as the applicant had put in a considerable amount of investment on site formation and the site had not yet been put to the proposed use, it might not be commercially viable for the operation if only a one-year permission was granted. A renewal of planning approval was highly likely. Moreover, no clear indication was given to the applicant in the previous application that the intention was to tolerate the operation for one year and provide time for relocation. Notwithstanding, the Committee should consider whether the approval of the application for 1 year and the possible successive renewal of the approval would frustrate the long-term planning intention of “R(E)” and “REC” zones. Echoing this view, another Member added that despite there was proposal for house development in the “R(E)” zone, the presence of extensive industrial and open storage uses in the area rendered the immediate realization of the planning intention of the “R(E)” zone not practicable, the temporary use could be tolerated in the interim.

89. Referring to Appendix III of the Paper, another Member said that as all the previous applications covering the site were approved on a temporary basis of 12 months since 1996, a message should have been sent to the applicant that the temporary use on site would be phased out to make way for the intended uses in the future. Referring to Plan A-1a of Paper, the same Member pointed out that the Committee had approved a number of similar applications for open storage uses in the vicinity of the site. With reference to the similar applications and the TPB PG-No. 13D, the Committee should adopt a consistent approach in dealing with the application which could be sympathetically considered. Notwithstanding, to take into account the latest planning circumstances, there was a need to review the categorisation of the area concerned under the TPB PG-No. 13D.

90. The Chairperson remarked that although the applied use was not in line with the planning intention of “R(E)” and “REC” zones, it was unlikely that the planning intentions could be realized immediately. Given the applied use was temporary in nature and all the approval conditions of the previous planning application had been complied with, the application could be tolerated in the interim. The Chairperson suggested granting a shorter approval period of one year in order to provide time for the applicant to relocate the operation to other suitable location. The Chairperson also suggested that the categorisation of the area under the TPB PG-No. 13D should be reviewed in the light of changing planning circumstances. Members agreed.

91. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 1 year up to 2.11.2008, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no night-time operation between 7:00 p.m. to 7:00 a.m. should be carried out at the application site during the planning approval period;
- (b) no operation on Sundays and public holidays was allowed on the site during the planning approval period;
- (c) no heavy vehicle (i.e. over 24 tonnes), including container trailer and tractor was allowed for the operation of the site during the planning approval period;

- (d) no dismantling, repairing, melting, cleansing and workshop activities should be carried out on the site during the planning approval period;
- (e) the stacking height of materials stored within 5m of the periphery of the site should not exceed the height of the boundary fence at any time during the planning approval period;
- (f) the landscape plantings implemented under the previous approved application No. A/YL-LFS/144 and existing vegetations on the site should be maintained at all times during the planning approval period;
- (g) the existing drainage facilities implemented under the previous approved application No. A/YL-LFS/144 should be maintained at all times during the planning approval period;
- (h) the submission of a condition record of the existing drainage facilities on site within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 2.2.2008;
- (i) the submission of fire service installations proposals within 3 months from the date of planning approval to the satisfaction of Director of Fire Services or of the TPB by 2.2.2008;
- (j) in relation to (i) above, the provision of fire service installations proposed within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 2.5.2008;
- (k) the provision of fencing for the site as proposed by the applicant within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 2.2.2008;
- (l) if any of the above planning conditions (a), (b), (c), (d), (e), (f) or (g) was not complied with at any time during the planning approval period, the approval hereby given should cease to have effect and should be revoked

immediately without further notice;

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

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

- (a) a shorter approval period of one year was granted in order to provide time for relocation of the use to other suitable location;
- (b) resolve any land issues relating to the development with the concerned owner(s) of the application site;
- (c) 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, and to apply for Short Term Waiver and Short Term Tenancy (STT) to regularize the existing structure on site and unauthorised occupation of Government Land respectively. Otherwise, his Office would consider appropriate lease enforcement/land control action against the owner/occupier. However, there was no guarantee that the application for STT would ultimately be approved;
- (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;
- (e) 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 the relevant lands and maintenance authorities should be consulted accordingly;

- (f) note the Chief Town Planner/Urban Design and Landscape, Planning Department's comments to break up the concrete paving a minimum 1 m diameter from the tree trunk;
- (g) note the Director of Fire Services' comments that detailed fire safety requirements would be formulated upon receipt of formal submission of general building plans; and
- (h) note the Chief Building Surveyor/New Territories West, Buildings Department's comments that all building works were subject to compliance with the Buildings Ordinance (BO). Authorised Person must be appointed to coordinate all building works. The granting of planning approval should not be construed as an acceptance of the unauthorised structures on site under the BO. Enforcement action might be taken to effect the removal of all unauthorised works in the future.

[The Chairperson, Mr. David W.M. Chan and Dr. Lily Chiang left the meeting while the Vice-chairman took over the chairmanship at this point.]

[Open Meeting (Presentation and Question Sessions Only)]

- (x) A/YL-NSW/179 Proposed House Development  
in "Other Specified Uses" annotated  
"Comprehensive Development to include  
Wetland Restoration Area" zone,  
Lot 3719H1RP in DD 104 and Adjoining Government Land,  
Tai Sang Wai,  
Yuen Long  
(RNTPC Paper No. A/YL-NSW/179)
-



Presentation and Question Sessions

93. The Committee noted that on 11.10.2007, the applicant requested the Town Planning Board to defer consideration of the application in order to address outstanding comments from Environmental Protection Department and Drainage Services Department.

Deliberation Session

94. 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)]

(xi) A/YL-NTM/216 Temporary Open Storage of Construction Materials and Machinery for a Period of 12 Months in “Comprehensive Development Area” zone, Lots 1711(Part), 1712(Part), 1716A(Part), 1717(Part), 1718, 1719(Part), 1720(Part), 1721(Part), 1722, 1723(Part), 1724(Part), 1725RP(Part), 1726(Part), 1728RP(Part), 1729(Part), 1731A(Part) and 1732A(Part) in DD 104 and Adjoining Government Land, Chuk Yau Road, Ngau Tam Mei, Yuen Long  

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(RNTPC Paper No. A/YL-NTM/216)

95. Dr. James C.W. Lau, having current business dealings with Top Bright Consultants Ltd., the consultant of the application, declared an interest in this item.

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

### Presentation and Question Sessions

96. 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 temporary open storage of construction materials and machinery for a period of 12 months;
- (c) departmental comments – the Environmental Protection Department did not support the application as there were sensitive uses in the vicinity of the site/access road and environmental nuisance was expected. The Drainage Services Department considered the drainage impact assessment not satisfactory;
- (d) no public comment was received during the statutory publication period. A verbal objection was received by District Officer/Yuen Long against the application on traffic ground; and
- (e) the Planning Department (PlanD)'s views – PlanD did not support the application for reasons given in paragraphs 12.2 to 12.4 of the Paper in that the development was not compatible with the residential dwellings and village settlements in the surrounding area, there were adverse comments from Government departments, and there was insufficient information in the submission to demonstrate that the development would not have adverse environmental and drainage impacts on the surrounding areas.

97. Members had no question on the application.

### Deliberation Session

98. The Vice-chairman remarked that as the development was not in line with the Town Planning Board Guidelines No. 13D, the application was not supported.

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

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

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

[Open Meeting (Presentation and Question Sessions Only)]

- (xii) A/YL-NTM/217 Proposed Temporary Cargo Handling and Forwarding Facilities for a Period of 2 Years in “Open Storage” zone, Lots 1376(Part), 1377(Part), 1378 and 1379 in DD 102 and Adjoining Government Land, Ngau Tam Mei, Yuen Long  
(RNTPC Paper No. A/YL-NTM/217)
- 

Presentation and Question Sessions

100. 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 temporary cargo handling and forwarding facilities for a period of

2 years;

- (c) departmental comments – the Environmental Protection Department (EPD) did not support the application as there were sensitive uses in the vicinity of the site/access road and environmental nuisance was expected;
- (d) no public comment was received during the statutory publication period; and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for reasons given in paragraphs 12.2 and 12.3 of the Paper. As regards EPD's concerns, approval conditions were recommended to minimise the possible environmental impacts.

101. Members had no question on the application.

#### Deliberation Session

102. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 2 years up to 2.11.2009, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no containers vehicles or trailers/tractors were allowed to be parked on the site at any time during the planning approval period;
- (b) no night-time operation between 11:00 p.m. and 7:00 a.m. was allowed on the site during the planning approval period;
- (c) no operation on Sundays or public holidays between 5:00 p.m. and 10:00 a.m. was allowed on the site during the planning approval period;
- (d) the submission of a tree monitoring report every 6 months from the date of planning approval during the approval period to the satisfaction of the Director of Planning or of the TPB;

- (e) the submission of landscape and tree preservation proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 2.5.2008;
- (f) in relation to (e) above, the implementation of landscape and tree preservation proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 2.8.2008;
- (g) 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 2.5.2008;
- (h) in relation to (g) above, the provision of drainage facilities proposed within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 2.8.2008;
- (i) 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 2.5.2008;
- (j) in relation to (i) above, the provision of fire service installations proposed within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 2.8.2008;
- (k) the provision of paving and fencing of the site within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 2.5.2008;
- (l) if any of the above planning conditions (a), (b) or (c) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice; and
- (m) if any of the above planning conditions (d), (e), (f), (g), (h), (i), (j) or (k) was not complied with by the above specified date, the approval hereby

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

103. The Committee agreed that the applicant should be reminded that prior planning permission should have been obtained before commencing the applied use at the application site.

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

- (a) resolve any land issue relating to the development with the concerned owner(s) of the application site;
- (b) note the District Lands Officer/Yuen Long, Lands Department (DLO/YL)'s comment to apply for Short Term Waiver for erection of structures on the site and Short Term Tenancy for occupation of Government Land;
- (c) follow the latest "Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites" issued by the Environmental Protection Department to minimise potential environmental impacts on the surrounding areas;
- (d) note the Chief Engineer/Mainland North, Drainage Services Department (DSD)'s comments that approval of the drainage proposal must be sought prior to the implementation of drainage work on site. The site was in an area where no public stormwater drainage maintained by DSD was currently available for connection. The area was probably served by some of the existing local village drains which were probably maintained by District Officer/Yuen Long. If the proposed discharge point was to these drains, comment/agreement should be sought from the relevant departments on the proposal. The site was in an area where no public sewerage maintained by DSD was available for connection. For sewage disposal and treatment, agreement from the Director of Environmental Protection should be obtained. The applicant should review the drainage proposal/works as well as the site boundary in order not to cause encroachment upon areas outside his jurisdiction. The applicant should

consult DLO/YL regarding all the proposed drainage works outside the site boundary to ensure unobstructed discharge from the site in future;

- (e) note the Assistant Commissioner of Transport/New Territories, Transport Department's comments that the land status and management/maintenance responsibilities of the strip of land between the site and Ka Lung Road should be clarified;
- (f) note the Chief Highway Engineer/New Territories West, Highways Department's comments that his Office was not/should not be responsible for the maintenance of any existing vehicular access connecting the application site and San Tam Road;
- (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 to any structures existing on the site under the Buildings Ordinance (BO) and the allied regulations. Actions appropriate under the BO or other enactment might be taken if contravention was found. 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) Regulation (B(P)R) 19(3) at building plan submission stage; and
- (h) note the Director of Fire Services' comments that detailed fire safety requirements would be formulated upon receipt of formal submission of general building plans. The applicant was advised to 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 BO.

[Open Meeting (Presentation and Question Sessions Only)]

- (xiii)        A/YL-ST/343        Temporary Public Vehicle Park  
(Excluding Container Vehicle) for a Period of 3 Years  
in “Village Type Development” zone,  
Lots 3044RP, 3045RP, 3048RP, 3049RP, 3050RP,  
3053RP(Part), 3056 and 3057RP(Part) in DD 102  
and Adjoining Government Land,  
San Tin,  
Yuen Long  
(RNTPC Paper No. A/YL-ST/343)
- 

Presentation and Question Sessions

105.        The Committee noted that on 17.10.2007, the applicant requested the Town Planning Board to defer consideration of the application in order to address outstanding comments from Transport Department.

Deliberation Session

106.        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)]

- (xiv)      A/YL-TT/215      Proposed House  
  (New Territories Exempted House - Small House)  
  in “Agriculture” and “Village Type Development” zone,  
  Lot 1967C3 in DD 119,  
  Muk Kiu Tau Tsuen,  
  Shap Pat Heung,  
  Yuen Long  
  (RNTPC Paper No. A/YL-TT/215)
- 

Presentation and Question Sessions

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

- (a)   background to the application;
- (b)   the proposed New Territories Exempted House (NTEH) (Small House);
- (c)   departmental comments – no objection from concerned Government departments was received;
- (d)   no public comment was received during the statutory publication period;  
and
- (e)   the Planning Department (PlanD)’s views – PlanD did not support the application for reasons given in paragraphs 12.1 and 12.2 of the Paper. The proposed development did not comply with the interim criteria for assessing planning applications for NTEH/Small House development in that less than 50% of the proposed NTEH footprint fell within the “Village Type Development” zone and there was no general shortage of land in meeting the demand of Small House development. Moreover, the proposed development did not comply with the planning intention of the “Agriculture” zone.

108. Members had no question on the application.

### Deliberation Session

109. The Vice-chairman remarked that as the proposed development did not comply with the interim criteria for assessing planning applications for NTEH/Small House development, the application could not be approved.

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

- (a) the proposed development did not comply with the Interim Criteria for assessing planning applications for New Territories Exempted House/Small House development in that there was no general shortage of land in meeting the demand of Small House development. No information was provided in the submission to demonstrate why suitable sites within the areas zoned “Village Type Development” could not be made available for the proposed development; and
- (b) the proposed development did not comply with the planning intention of the “Agriculture” zone which primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. It was also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes.

[Open Meeting (Presentation and Question Sessions Only)]

- (xv)           A/YL-TYST/367      Renewal of Planning Approval for  
Temporary Open Storage of Construction Machinery  
and Material Use for a Period of 2 Years  
in “Undetermined” zone,  
Lots 2387RP(Part), 2388(Part), 2389(Part), 2391(Part),  
2408(Part), 2410(Part), 2411A, 2411B, 2411C, 2412, 2413,  
2414 and 2415(Part) in DD 120,  
Tong Yan San Tsuen,  
Yuen Long  
(RNTPC Paper No. A/YL-TYST/367)
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Presentation and Question Sessions

111.           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) renewal of planning approval for temporary open storage of construction machinery and material use for a period of 2 years;
- (c) departmental comments – the Environmental Protection Department did not support the application as there were sensitive receivers in the vicinity of the site and environmental nuisance was expected;
- (d) during the statutory publication period, two public comments were received raising concerns on the adverse traffic, drainage, security and environmental impacts; and
- (e) the Planning Department (PlanD)’s views – PlanD considered that temporary use could be tolerated for reasons given in paragraphs 12.2 and 12.3 of the Paper. As regards the public comments, concerned Government departments had no adverse comment on the renewal application. Appropriate approval conditions were recommended to

minimise any potential impacts on the environment.

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 up to 2.11.2009, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no night-time operation between 7:00 p.m. to 7:00 a.m. was allowed on the site, as proposed by the applicant, during the planning approval period;
- (b) no operation on Sundays and public holidays was allowed on the site, as proposed by the applicant, during the planning approval period;
- (c) 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;
- (d) the existing trees and landscape plantings on the site should be maintained at all times during the planning approval period;
- (e) the existing drainage facilities on the site should be maintained at all times during the planning approval period;
- (f) 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 2.5.2008;
- (g) 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 2.8.2008;
- (h) if any of the above planning conditions (a), (b), (c), (d) or (e) was not

complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;

- (i) if any of the above planning conditions (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.

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

- (a) resolve any land issues relating to the development with other concerned owner(s) of the application site;
- (b) note the District Lands Officer/Yuen Long, Lands Department's comments that the lots under application were Old Schedule Agricultural Lots held under the Block Government Lease under which no structures were allowed to be erected without prior approval from his Office. The applicant should be reminded to apply for a Short Term Waiver (STW) to regularise the irregularities on site. Should no STW application be received and the irregularities persisted on site, his Office would take appropriate lease enforcement action against the registered owner(s);
- (c) note the Assistant Commissioner for Transport/New Territories, Transport Department's comments that the lands 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. Relevant lands and maintenance authorities should be consulted accordingly;
- (d) 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;

- (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. 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 (BO). Moreover, it was noted that part of the site was used as workshop in which storage/use of Dangerous Goods might be involved. As such, the applicant/operator of the subject site was advised to approach his Dangerous Goods Division for advice on licensing of the premises for the above purpose where necessary;
- (f) note the Chief Engineer/Development (2), Water Supplies Department (WSD)’s comments that for provision of water supply to the development, the applicant might need to extend his/her 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; and
- (g) note the Chief Building Surveyor/New Territories West, Buildings Department’s comments that all building works were subject to compliance with BO. Authorised Person must be appointed to coordinate all building works. The granting of planning approval should not be construed as an acceptance of the unauthorised structures on site under the BO. Enforcement action might be taken to effect the removal of all unauthorised works in the future.

[Open Meeting (Presentation and Question Sessions Only)]

- (xvi) A/YL-TYST/368 Renewal of Planning Approval  
for Temporary Open Storage of Construction Equipment  
and Materials (Metal Scaffolding) and  
Container Site Office Units Uses for a Period of 3 Years  
in “Undetermined” zone,  
Lots 342RP, 343 to 345, 346A, 346B, 347RP and  
348RP(Part) in DD 119,  
Tong Yan San Tsuen,  
Yuen Long  
(RNTPC Paper No. A/YL-TYST/368)
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Presentation and Question Sessions

115. 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) renewal of planning approval for temporary open storage of construction equipment and materials (metal scaffolding) and container site office units uses for a period of 3 years;
- (c) departmental comments – the Environmental Protection Department (EPD) did not support the application as there were sensitive receivers in the vicinity of the site and environmental nuisance was expected;
- (d) no public comment was received during the statutory publication period;  
and
- (e) the Planning Department (PlanD)’s views – PlanD considered that the temporary use could be tolerated for reasons given in paragraph 12.2 of the Paper. To address EPD’s concerns, approval condition was recommended to minimise the potential environmental impact. The applicant was also advised to identify alternative access to the site to avoid traffic noise impact

on the nearby residential structures.

116. Members had no question on the application.

#### Deliberation Session

117. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years up to 2.11.2010, 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 8:00 p.m. to 7:00 a.m. was allowed on the site, as proposed by the applicant, during the planning approval period;
- (b) the existing trees and landscape plantings on the site should be maintained at all times during the planning approval period;
- (c) the existing drainage facilities on the site should be maintained at all times during the planning approval period;
- (d) 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 2.5.2008;
- (e) 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 2.8.2008;
- (f) if any of the above planning conditions (a), (b) or (c) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (g) if any of the above planning conditions (d) or (e) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and



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

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

- (a) resolve any land issues relating to the development with other concerned owner(s) of the application site;
- (b) note the District Lands Officer/Yuen Long, Lands Department's comments in paragraph 10.1.1 of the Paper;
- (c) note the Assistant Commissioner for Transport/New Territories, Transport Department's comments that the lands 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. Relevant lands and maintenance authorities should be consulted accordingly;
- (d) 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;
- (e) identify alternative access to the site to avoid traffic noise impact on the residential structures located along the local access of Shan Ha Road;
- (f) note the Director of Fire Services' comments that detailed fire safety requirements would be formulated upon receipt of formal submission of general building plans. In consideration of the design/nature of the proposed structures, fire service installations (FSIs) were anticipated to be 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 (BO);

- (g) note the Chief Engineer/Development (2), Water Supplies Department (WSD)'s comments that for provision of water supply to the development, the applicant might need to extend his/her 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; and
  
- (h) note the Chief Building Surveyor/New Territories West, Buildings Department's comments that all building works were subject to compliance with BO. Authorised Person must be appointed to coordinate all building works. The granting of planning approval should not be construed as an acceptance of the unauthorised structures on site under the BO. Enforcement action might be taken to effect the removal of all unauthorised works in the future.

[The Vice-chairman thanked Messrs. Wilson W.S. Chan, W.M. Lam, Anthony C.Y. Lee and Frederick S.T. Ng, STPs/TMYL, for their attendance to answer Members' enquiries. They left the meeting at this point.]

**Agenda Item 7**

Any Other Business

[Open Meeting]

A/YL-MP/157-2      Extension of Time for Compliance with Approval Condition  
- Temporary Restaurant for a Period of 3 Years  
in “Open Storage” zone,  
Lots 2562BRP and 2564RP in DD 104,  
Mai Po,  
Yuen Long  
(RNTPC Paper No. A/YL-MP/157-2)

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119.            The Secretary reported that an application for extension of time for compliance with planning conditions (c) to (f) under application No. A/YL-MP/157 was received on 17.10.2007. While approval conditions (c) and (d) were complied with, the applicant failed to comply with conditions (e) and (f) by the expiry date on 19.10.2007 and the planning permission was revoked on the same day. The application could not be considered as the planning permission no longer existed at the time of consideration by the Committee.

120.            After deliberation, the Committee agreed that the application for extension of time could not be considered for reason that as the time limit for compliance with approval conditions (e) and (f) had already expired on 19.10.2007, and the planning approval for the subject application had ceased to have effect and had on the same date been revoked. The Committee could not consider the s.16A application as the planning permission no longer existed at the time of consideration.

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