

## **TOWN PLANNING BOARD**

### **Minutes of 361<sup>st</sup> Meeting of the Rural and New Town Planning Committee held at 2:30 p.m. on 16.11.2007**

#### **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

Professor Peter R. Hills

Mr. Alfred Donald Yap

Mr. B.W. Chan

Mr. Y.K. Cheng

Ms. Anna S.Y. Kwong

Assistant Director (Environmental Assessment),  
Environmental Protection Department

Mr. Elvis W.K. Au

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

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

Secretary

**Absent with Apologies**

Ms. Carmen K.M. Chan

Professor David Dudgeon

Dr. Lily Chiang

Mr. Tony C.N. Kan

Mr. Edmund K.H. Leung

Dr. C.N. Ng

Dr. James C. W. Lau

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

Chief Engineer/Traffic Engineering (New Territories West),  
Transport Department  
Mr. Y.M. Lee

**In Attendance**

Assistant Director of Planning/Board  
Mr. Lau Sing

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

Town Planner/Town Planning Board  
Mr. K.W. Ng

**Agenda Item 1**

Confirmation of the Draft Minutes of the 360<sup>th</sup> RNTPC Meeting held on 2.11.2007

[Open Meeting]

1. The draft minutes of the 360<sup>th</sup> RNTPC meeting held on 2.11.2007 were confirmed without amendments.

**Agenda Item 2**

Matters Arising

[Open Meeting]

Amendment to Approval Condition (q) of  
Section 16A Application No. A/NE-SSH/26-3

2. The Secretary said that subject application was approved by the Committee on 24.10.2007, which involved an extension of time for the commencement of the approved development of a previous planning permission granted by the Committee on 10.8.2007 under section 16A(2) of the Town Planning Ordinance (the original section 16A application). Approval condition (q) of the original section 16A permission required “the provision of a kindergarten/nursery to the satisfaction of the Secretary for Education or of the Town Planning Board”. The same approval condition should have been imposed to the subject application but it was inadvertently put in the concerned Paper and decision letter to the applicant as “the provision of a kindergarten/nursery, a primary school and a secondary school to the satisfaction of the Secretary for Education or of the Town Planning Board”. Since the Secretary for Education had previously advised that the applicant would not be required to provide a primary school and a secondary school, the Secretary proposed to the Members to amend approval condition (q) of the subject application accordingly.
3. After deliberation, Members decided to amend approval condition (q) of the subject application to “the provision of a kindergarten/nursery to the satisfaction of the Secretary for Education or of the Town Planning Board”.

4. The Secretary said that the applicant would be informed of the amended approval condition.

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

#### **Agenda Item 3**

##### **Section 12 Applications**

[Open Meeting (Presentation and Question Sessions Only)]

- (i) Y/FSS/3                      Application for Amendment to the Approved Fanling/Sheung Shui Outline Zoning Plan No. S/FSS/14 from “Commercial/Residential (3)” zone to “Other Specified Uses” Annotated “Public Vehicle Park” zone, Government Land near Belair Monte, Planning Area 19, Sha Tau Kok Road, Fanling  
(RNTPC Paper No. Y/FSS/3)
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##### **Presentation and Question Sessions**

5. The Committee noted that sufficient notice had been given to Mr. Ho Shu-kwok, the applicant, but he had indicated that he would not attend the hearing. Members agreed to proceed with the hearing in the absence of the applicant. Mr. W.K. Hui, District Planning Officer/Shan Tin, Tai Po and North (DPO/STN) of the Planning Department (PlanD) was invited to the meeting at this point.

6. With the aids of some plans, Mr. W.K. Hui covered the following main aspects as detailed in the Paper :

- (a) the subject application involved a request to rezone a site at Sha Tau Kok Road in Fanling from “Commercial/Residential (3)” (“C/R(3)”) to “Other Specified Uses” annotated “Public Vehicle Park” (“OU(Public Vehicle Park)”) on the Fanling/Sheung Shui Outline Zoning Plan (the OZP);

- (b) the applicant did not provide any specific scheme on the types of vehicles to be parked in the proposed “OU(Public Vehicle Park)” zone;
- (c) the applicant’s justifications in support of the application were summarized in paragraph 2 of the Paper;
- (d) both the District Lands Officer/North, Lands Department (DLO/N, LandsD) and the Director of Environmental Protection (DEP) did not support the application. The DLO/N, LandsD commented that that the proposed rezoning would jeopardize a proposed land sale involving the application site, while the DEP opined that the parking of heavy vehicles on the site would have adverse noise impacts on the existing residential developments in close proximity. The Assistant Commissioner for Transport/New Territories, Transport Department (AC for T/NT, TD) noted that there would be a surplus of private car parking spaces in the North District up to 2011. The Chief Town Planner/Urban Design and Landscape, PlanD said that the proposed rezoning would lead to further deterioration of the already low quality landscape on the site, but there was no tree preservation and landscape consideration/proposal in the application to address the issue. Other concerned Government departments had no objection to or no adverse comment on the application;

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

- (e) two public comments from the Chairman of the Fanling District Rural Committee and the Chairman of the Owners’ Committee of Belair Monte were received during the statutory publication period. The former objected to the application while the latter requested the Committee to have in-depth consideration of their separate section 12A application (No. Y/FSS/2) for rezoning the application site to “Open Space” (“O”). The District Officer/North also received the views of the Chairman of the Owners’ Committees of Regentville, the representative of Shek Wu San Tsuen Kai Fong Association, the residents’ representative of Lung Yeuk Tau and the indigenous inhabitant representatives of Lung Yeuk Tau. The

first two supported rezoning the application site to “O” while the last two preferred to rezone the site to “Green Belt”; and

- (f) PlanD did not support the application for the reasons as detailed in paragraph 10.1 of the Paper in that the “C/R(3)” zoning of the application site had been given careful consideration and gone through a due process under the Town Planning Ordinance. The intended commercial and/or residential development was compatible with the surrounding developments and would optimize the use of valuable land resources. The AC for T/NT, TD advised that there was a surplus of private car parking spaces in the North District, and the DEP did not support the application from the noise perspective.

7. Members had no question on the application. The Chairperson thanked Mr. W.K. Hui for attending the meeting. Mr. Hui left the meeting at this point.

#### Deliberation Session

8. The Chairperson said that the Owners’ Committee of Grand Regentville had previously submitted a section 12A application (No. Y/FSS/1) for rezoning the application site to “O”, and the Committee had decided not to agree to that application in August 2007. For the current application, Members considered that there were no strong justifications nor merits to rezone the site to “OU(Public Vehicle Park)”.

9. After deliberation, the Committee decided not to agree to the application for the following reasons :

- (a) there was a surplus of private car parking spaces in the North District. There was no strong justification to rezone the application site from “Commercial/Residential (3)” (“C/R(3)”) to “Other Specified Uses” annotated “Public Vehicle Park”;
- (b) there was no submission to demonstrate that the proposed vehicle park would not have adverse environmental impact on the nearby residential

developments; and

- (c) the “C/R(3)” zone intended for commercial and/or residential development at the application site was compatible with the surrounding residential/commercial developments and would optimize the use of valuable land resources.

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

[Open Meeting (Presentation and Question Sessions Only)]

- (ii) Y/ST/3 Application for Amendment to the Draft  
Sha Tin Outline Zoning Plan No. S/ST/23 from  
“Green Belt” zone to “Residential (Group C) 4” zone,  
Lot 380RP(Part) in D.D. 186, Sha Tin  
(RNTPC Paper No. Y/ST/3)
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#### Presentation and Question Sessions

10. The Committee noted that the applicant’s representative on 18.10.2007 requested for a further deferment of the consideration of the application on the ground that the applicant would like to take into account the Transport Department’s responses to some supplementary information submitted by the same applicant on a separate section 12A application (No. Y/ST/4) as well as the Town Planning Board’s deliberation/outcome of that application in finalizing the traffic impact assessment for the subject application. Members noted that application No. Y/ST/4 was tentatively scheduled for consideration by the Committee on 14.12.2007.

#### Deliberation Session

11. After deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending the submission of additional information from the applicant. The Committee also agreed that the application should be submitted to the Committee for consideration within three months upon 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 additional information. Since this was already the fourth deferment of the application and sufficient time should have been allowed for the preparation and submission of additional information, no further deferment would be granted.

#### **Agenda Item 4**

#### **Section 16 Applications**

[Open Meeting (Presentation and Question Sessions only)]

- (i)           A/NE-TKL/301           Renewal of Planning Approval for Temporary  
  ‘Private Car Park’ for a Period of 3 Years in  
  “Agriculture” and “Village Type Development” zones,  
  Lot 365S.C(Part) in D.D. 84, Tai Po Tin Village, Ping Che  
  (RNTPC Paper No. A/NE-TKL/301)
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#### **Presentation and Question Sessions**

12.           Mr. W.K. Hui, DPO/STN, presented the application and covered the following aspects as detailed in the Paper :

- (a)   background to the application;
- (b)   the proposed renewal of planning approval for temporary ‘private car park’ under application No. A/NE-TKL/263 for a period of 3 years;
- (c)   departmental comments – concerned Government departments had no objection to or no adverse comment on the application, except for the Director of Agriculture, Fisheries and Conservation (DAFC) who did not favour the application from agricultural development point of view as the application site had a high potential for agricultural rehabilitation;
- (d)   one public comment from the Ta Kwu Ling District Rural Committee was received during the statutory publication period, attaching an objection



letter from the village representative (VR) and 15 villagers of Tai Po Tin Village. The major reasons for the objection were the blockage of an access road, and adverse environmental, hygiene and fung shui impacts. The District Officer/North (DO/N) also received a letter from the resident representative of Ping Che who objected to the application for the reasons similar to those raised by the VR and villagers of the Tai Po Tin Village; and

- (e) the Planning Department (PlanD)'s views – PlanD considered that the application could be tolerated for a period of 1 year for the reasons as detailed in 11.1 of the Paper in that there had been no material change in planning circumstances and land uses of the surrounding areas since the previous temporary approval was granted. The approval conditions under the previous approval were generally complied with. The applied use was unlikely to cause any significant adverse traffic, environmental, drainage and landscape impacts. Concerned Government departments had no objection to the application. In view of the DAFC's comments on the application, it was considered that a renewal of the temporary approval for another 3 years might frustrate the planning intention of the "Agriculture" zone.

13. The Chairman and a Member asked whether similar local objections and DAFC's comments were received for the previous application (No. A/NE-TKL/263). In response, Mr. W.K. Hui made the following points :

- (a) the previous application (No. A/NE-TKL/263) was processed under the pre-amended Town Planning Ordinance. Hence, local views on that application were collected via the DO/N. The VR and villagers of Tai Po Tin Village had raised similar objection to that application;
- (b) the DAFC's comments on the previous application (No. A/NE-TKL/263) were similar to those on the subject application; and
- (c) the application site was near to Tai Po Tin Village, and there were still

some agricultural uses in its surroundings according to the aerial photo in Plan A-3 of the Paper.

### Deliberation Session

14. In response to a question from a Member regarding the background of the case, the Secretary said that the previous application was approved by the Town Planning Board (TPB) for 3 years up to 11.3.2008 upon review under section 17 of the Town Planning Ordinance. During the hearing of that case, the applicant claimed that the site was used for parking five private cars owned by the applicant, and the applicant needed much space for manoeuvring as she was not very skilful in driving. In granting the permission, the TPB had imposed an approval condition that the car park should be restricted to parking of private cars only and should not be open to the public on a commercial basis. There was no advisory clause suggesting the applicant to find another suitable site for relocation in the previous approval.

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

15. Mr. W.K. Hui explained that PlanD recommended the renewal of the temporary approval for 1 year instead of 3 years in view of the DAFC's adverse comments on the application. After the expiry of the further 1-year approval, the applicant could decide whether to make further renewal application or relocate the private car park to another suitable site. Referring to paragraph 11.4(a) of the Paper, the Chairperson pointed out that the suggested rationale behind a shorter approval period was somewhat different from the standard clause, which was either for monitoring the situation or allowing time to find another suitable site. The Secretary said that the main reason for the suggested 1-year approval should be for monitoring the situation, taking into account the local objections to and the DAFC's comments on the application.

16. In response to a Member's question, Mr. W.K. Hui said that the application site had been used for parking of private cars. As regards the alleged blockage of the access road and the use of the site for parking of unlicensed vehicles raised in the public comments and local objections, both the DLO/N, LandsD and the AC for T/NT, TD had no comments on these two issues. The applicant had clarified by a letter (dated 9.11.2007) that all the

vehicles parking on the application site were licensed vehicles. The said letter was shown to Members at the meeting.

17. Two Members opined that the DAFC's comments on high potential for agricultural rehabilitation might not be a strong reason for a shorter approval period as similar comments had been made by the DAFC on the previous application (No. A/NE-TKL/263). Without a concrete policy on assisting agricultural rehabilitation, it might not be reasonable to request the land owner to revert the application site back to agricultural use.

18. As regards the objection raised in the public comments made by the VR and villagers of Tai Po Tin Village, the Secretary in response to a Member's question confirmed that two VRs of Tai Po Tin and one North District Council (NDC) member had raised similar objection to the previous application via DO/N. Members noted that should unlicensed vehicles be found on the application site as alleged by the commenters, such use would be subject to enforcement action by the Planning Authority.

19. In view of the fact that there had been no major change in circumstances since the last approval, Members considered that the subject application could be approved for 3 years, provided that the car park would not be used on a commercial basis.

20. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 11.3.2011, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) the car park should be restricted to the parking of private cars only and should not be open to the public on a commercial basis during the planning approval period;
- (b) the maintenance of existing drains within the application site during the planning approval period;
- (c) the submission of tree preservation and landscaping proposals within 6 months from the date of planning approval to the satisfaction of the

Director of Planning or of the TPB by 16.5.2008;

- (d) in relation to (c) above, the implementation of the tree preservation and landscaping proposals within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 16.8.2008;
- (e) if the above planning conditions (a) or (b) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (f) if any of the above planning conditions (c) or (d) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and
- (g) upon expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the TPB.

21. The Committee also agreed to advise the applicant :

- (a) to note the comments of the District Lands Officer/North, Lands Department that the owner of the subject lot should submit formal application to his office for a Short Term Waiver for the regularization of the unauthorized structures on the application lot; and
- (b) to note the comments of the Chief Engineer/Development(2), Water Supplies Department that the application site was located within the flood pumping catchment area associated with River Indus and River Ganges pumping stations.

[Open Meeting (Presentation and Question Sessions only)]

- (ii) A/ST/657 Proposed Flat Use in “Green Belt” zone,  
Lots 2 and 671(Part) in D.D. 181 and  
Adjoining Government Land,  
Pak Tin Village, Tai Wai, Sha Tin  
(RNTPC Paper No. A/ST/657)
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Presentation and Question Sessions

22. Mr. W.K. Hui, DPO/STN, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed residential development;
- (c) departmental comments – the District Lands Officer/Shan Tin, Lands Department indicated that the proposed land exchange ratio for the proposed development was 24.9% which was generally not acceptable unless there was strong justification. The Assistant Commissioner for Transport/New Territories, Transport Department had in-principle objection to the proposed development as it would set an undesirable precedent for similar applications of including “GB” zone as part of the residential development. Besides, the proposal for converting the existing unplanned access road to a private road was not supported as the technical feasibility of improving the existing gradient of this access road was uncertain, and the existing public footpath would be truncated beyond the eastern tip of the development site. The Chief Architect/ASC, Architectural Services Department noted that two of the trees proposed to be felled in the “GB” zone might meet the requirement of “registrable trees”, and tree felling should be avoided wherever possible. The Director of Agriculture, Fisheries and Conservation commented that the Habitat Map in Drawing 4.1 of the submitted Ecological Impact Assessment did not correctly reflect the on-site situation. Besides, there was insufficient information about on the impact of proposed development on fauna. The

Project Manager/New Territories East, Civil Engineering and Development Department stated that the footprint of the proposed access road would have significant impact on the adjoining areas, especially when it had to be further widened to accommodate crash barriers;

- (d) a total of ten public comments were received during the statutory publication period of the application. They were made by the Office of Mr. Tang Wing-cheong (a Sha Tin District Council member) and the Incorporated Owners of Mei Chung Court (including a total of 1444 signatures, 331 letters and 22 public comments), the Sha Tin Rural Committee, Mr. Ho Hau-cheung (a District Council member), the Chairman of Pak Tin Village Area 2 Mutual Aid Committee, the Office of the Hon. Ronny Tong Ka-wah, and five members of the general public. All of them objected to the application for the reasons as detailed in paragraph 10.1 of the Paper. Two more public comments from the Sha Tin Rural Committee and a member of the general public were received during the statutory publication period of the further information. Both reiterated the stance of objection on the grounds of adverse environmental impacts of the proposed development; and
  
- (e) the Planning Department (PlanD)'s views – PlanD did not support the application for the reasons as detailed in 11.2 of the Paper in that the proposed inclusion of the application site in the residential development and for the construction of the access road was not in line with the planning intention of the “GB” zone. The proposed development and the proposed access road would lead to clearance of the vegetation and tree felling, resulting in degradation of the existing valuable landscape. The application site formed part of a planned local open space according to the relevant Layout Plan. There was insufficient information to demonstrate that the proposed development was acceptable in traffic terms. Moreover, approval of the subject application would set an undesirable precedent for other similar proposals in the “GB” zone.

23. Members had no question on the application.

Deliberation Session

24. Mr. W.K. Hui made the following points in response to a Member's questions :

- (a) there was currently no planned vehicular access to the development site. This might affect the scale of the proposed residential development as the development intensity of any development abutting a street less than 4.5m wide would need to be determined by the Building Authority in accordance with Building (Planning) Regulation 19(3);
- (b) according to Drawing A-14 of the Paper, the applicant intended to upgrade the existing unplanned access road to an 8m-wide private road for the proposed development (between the junction of Mei Tin Road and the proposed run-in/run-out point). The whole alignment would be within the "Residential (Group B)" zone. Beyond this private road would be a 6-m wide emergency vehicular access, leading to and continued within the "GB" zone. The applicant had in the submitted further information agreed to allow residents living in the vicinity to continue to use the upgraded access road for exercise (i.e. jogging and morning walk); and
- (c) the Government had no obligation to provide and maintain the upgraded access road proposed by the applicant, as it would not be a public road.

25. In response to the Chairperson's question, Mr. C.S. Mills said that regarding the proposed access to the development site, the common practice was to grant the road as a non-exclusive right of way for the concerned development.

26. The Secretary reminded Members that the main issue of the application was whether to allow inclusion of the land within the "GB" zone in a residential development, noting that that part of the "GB" zone was designated as "Local Open Space" on the relevant Layout Plan.

27. A Member had reservation on the application, as there was no strong justification for using the land within the "GB" zone for a private residential development, which would

in effect turn the “GB” into a private garden. This Member said that the application site should be maintained as “GB” zone. Other Members shared this Member’s views.

28. 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 “Green Belt” (“GB”) zone which was primarily for defining the limits of urban and sub-urban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets. There was a general presumption against development in “GB” zone and no strong planning justifications had been provided in the submission for a departure from this planning intention;
- (b) the application site was largely covered with dense and natural vegetation. The proposed development and the proposed access road would lead to clearance of the vegetation and tree felling. There was insufficient information in the submission to demonstrate that the proposed development would not have adverse impacts on nature conservation and the existing valuable landscape;
- (c) there was insufficient information to demonstrate that the proposed development would not have adverse traffic impacts on the surrounding roads and junctions; and
- (d) approval of the application would set an undesirable precedent for other similar development proposals in the “GB” zone. The cumulative effect of approving such proposals would encourage proliferation of residential developments in the “GB” zone resulting in adverse cumulative traffic impact.

[The Chairperson thanked Mr. W.K. Hui, DPO/STN, for his attendance to answer Members’ enquiries. Mr. Hui left the meeting at this point.]



**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 5**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

- (i)           A/SK-HC/156           Proposed Two Houses (New Territories Exempted House – Small House) in “Agriculture” zone, Lots 373S.F and 373S.G in D.D. 244, Ho Chung, Sai Kung  
RNTPC Paper No. A/SK-HC/156
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**Presentation and Question Sessions**

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

- (a) background to the application;
- (b) the proposed two houses (New Territories Exempted Houses – Small Houses);
- (c) departmental comments – concerned Government departments had no objection to or no adverse comment on the application, except for the Director of Agriculture, Fisheries and Conservation (DAFC) who did not favour the application as the subject area was one of the major high quality agricultural land;
- (d) no public comment was received during the statutory publication period, and no local objection/view was received by the District Officer/Sai Kung; and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application for reasons as detailed in paragraph 11.1 of the Paper in that the application complied with the interim criteria for assessing planning application for New Territories Exempted House/Small House development. Although the DAFC was not in favour of the application, the application site and its surrounding area were not under active cultivation. The proposed Small Houses were compatible with the surrounding rural and village environment.

30. Members had no question on the application.

#### Deliberation Session

31. 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 16.11.2011, 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 condition that the submission and implementation of a landscape proposal to the satisfaction of the Director of Planning or of the TPB.

32. The Committee also agreed to advise the applicants to note the comments of the Director of Water Supplies that the applicants might need to extend the inside services to the nearest Government water mains for connection and should resolve any land matter associated with the provision of water supply. The applicants should also be responsible for the construction, operation and maintenance of the inside services within the private lots. The water main in the vicinity site could not provide the standard fire-fighting flow.

[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.]

**Tuen Mun and Yuen Long District**

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

**Agenda Item 6**

**Section 16 Applications**

[Open Meeting (Presentation and Question Sessions Only)]

- (i)           A/TM/364                   Shop and Services (Shop Selling Food and Drinks)  
  in “Open Space” zone, Shop K1, Tuen Mun Ferry  
  Terminal Lower Deck, Tuen Mun  
  RNTPC Paper No. A/TM/364)
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**Presentation and Question Sessions**

33.           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 shop and services use for selling food and drinks;
- (c)   departmental comments – concerned Government departments had no objection to or no adverse comment on the application;
- (d)   no public comment was received during the statutory publication period, and no local objection/view was received by the District Officer/Tuen Mun; and
- (e)   the Planning Department (PlanD)’s views – PlanD had no objection to the application for reasons as detailed in paragraph 10.1 of the Paper.

34.           Members had no question on the application.

Deliberation Session

35. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the condition that the provision of fire service installations and equipment to the satisfaction of the Director of Fire Services or of the TPB.

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

[Open Meeting (Presentation and Question Sessions Only)]

- (ii) A/YL/155 Proposed Utility Installation for Private Project  
(CLP Package Substation) in “Village Type Development”  
and “Road” zones, Lot 11S.Ess.6 in D.D. 115,  
Shan Pui Tsuen, Yuen Long  
(RNTPC Paper No. A/YL/155)
- 

Presentation and Question Sessions

36. 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 utility installation for private project (CLP package substation);
- (c) departmental comments – concerned Government departments had no objection to or no major adverse comment on the application;
- (d) no public comment was received during the statutory publication period, and no local objection/view was received by the District Officer/Yuen Long; and

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

37. Members had no question on the application.

#### Deliberation Session

38. 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 16.11.2011, 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 provision of emergency vehicular access, water supply for fire fighting and fire service installations to the satisfaction of the Director of Fire Services or of the TPB;
- (b) the submission and implementation of a drainage proposal to the satisfaction of the Director of Drainage Services or of the TPB; and
- (c) the submission and implementation of a landscape proposal to the satisfaction of the Director of Planning or of the TPB.

39. The Committee also agreed to advise the applicant :

- (a) to note the comments of the District Lands Officer/Yuen Long, Lands Department that the applicant should be reminded to apply for a Short Term Waiver from his office if structures were intended to be erected on site;
- (b) to note the comments of the Director of Electrical and Mechanical Services (DEMS) that the “Code of Practice on Working near Electricity Supply Lines” established under the Electricity Supply Lines (Protection) Regulation should be observed when carrying out works in the vicinity of

the electricity supply lines;

- (c) to note the comments of the Director of Health that the applicant should approach DEMS to arrange a direct on-site measurement upon commissioning of the package substation for compliance with the “Guidelines for Limiting Exposure to Time-varying Electric, Magnetic, and Electromagnetic Fields (Up to 300GHz)”;
- (d) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department that his “no objection” should not be construed as condoning any authorized building works carried out on the site. These were subject to enforcement action under Section 24 of the Buildings Ordinance (BO). Besides, the granting of this planning approval should not be construed as condoning any structures existing on the site under the BO and the allied regulations. Formal submission of any proposed new works, including any temporary structure for approval under the BO was required. If the site did not abut on a specified street having a width of not less than 4.5m, the development intensity should be determined by the Building Authority under Building (Planning) Regulation 19(3) at building plan submission stage.

[Open Meeting (Presentation and Question Sessions Only)]

- (iii) A/YL-HT/514 Renewal of Planning Approval for Temporary Open Storage of Construction Materials and Construction Machinery, and Container Vehicle Park with Ancillary Repair Workshop for a Period of 3 Years in “Comprehensive Development Area” zone, Lots 844RP (Part) and 897S.BRP (Part) in D.D. 125, Ha Tsuen, Yuen Long  
(RNTPC Paper No. A/YL-HT/514)
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Presentation and Question Sessions

40. 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 renewal of planning approval for temporary open storage of construction materials and construction machinery, and container vehicle park with ancillary repair workshop under application No. A/YL-HT/362 for a period of 3 years;
- (c) departmental comments – concerned Government departments had no objection to or no adverse comment on the application, except for the Director of Environmental Protection who did not support the application as there were environmental sensitive uses in the vicinity of the application site and the access road (i.e. Ping Ha Road);
- (d) no public comment was received during the statutory publication period, and no local objection/view was received by the District Officer/Yuen Long; and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the concerned uses could be tolerated as detailed in paragraph 12.2 of the Paper in that there was no immediate development proposal for the “Comprehensive Development Area” (“CDA”) zone nor any programme/known intention to implement the zoned use. To renew the temporary approval for another three years would not frustrate the planning intention of the “CDA” zone. There was no pollution complaint against the application site over the last three years, and the imposition of approval conditions restricting the operation hours could help to mitigate any potential environmental impacts generated from the application site. The approval conditions of the previous application were complied with, and there had been no material change in the planning circumstances since then.

In February 2007, the Committee approved a similar application (No. A/YL-HT/476) in the same “CDA” zone for a temporary public vehicle park.

41. Members had no question on the application.

#### Deliberation Session

42. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 19.11.2010, 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 drainage facilities implemented on the site under application No. A/YL-HT/362 should be maintained at all times during the planning approval period;
- (e) the submission of a condition record of the existing drainage facilities within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 16.2.2008;
- (f) 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 16.5.2008;



- (g) in relation to (f) 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 16.8.2008;
- (h) the submission of fire service installations proposals within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 16.5.2008;
- (i) in relation to (h) 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 16.8.2008;
- (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.

43. The Committee also agreed to advise the applicant :

- (a) to resolve any land issues relating to the development with the concerned owner(s) of the application site;
- (b) to note the comments of the District Lands Officer/Yuen Long, Lands Department that the site situated on Old Schedule Agricultural Lots held under the Block Government Lease under which no structure was allowed to be erected without prior approval from his office, and to apply to his

office for Short Term Waiver to regularize the existing structures on site;

- (c) to follow the latest “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Environmental Protection Department;
- (d) to note the comments of the Director of Fire Services that the applicant should submit relevant building plans incorporated with the proposed fire service installations to his Department for approval even though the submission of general building plans was not required under the Buildings Ordinance. The proposed use of workshop in part of the site might involve 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;
- (e) to note the comments of the Assistant Commissioner for Transport/New Territories, Transport Department that the land status of the access road leading to the site should be checked with the lands authority and that the management and maintenance responsibilities of this access road should be clarified, and the relevant lands and maintenance authorities should be consulted accordingly; and
- (f) to note the comments of the Chief Engineer/Land Works, Civil Engineering and Development Department 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)]

- (iv) A/YL-LFS/169 Proposed Temporary Open Storage of Plastic and Metal Ware for a Period of 3 Years in “Residential (Group E)” and “Recreation” zones, Lots 2228S.A(Part), 2228S.B(Part), 2229(Part), 2264, 2265 and 2266(Part) in D.D. 129 and Adjoining Government Land, Lau Fau Shan, Yuen Long  
(RNTPC Paper No. A/YL-LFS/169)
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Presentation and Question Sessions

44. 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 plastic and metal ware for a period of three years;
- (c) departmental comments – no concerned Government departments had objection to or no adverse comment on the application, except for the Director of Environmental Protection (DEP) who did not support the application as there were environmental sensitive uses in the vicinity of the application site and along the access road (i.e. Deep Bay Road);
- (d) no public comment was received during the statutory publication period, and no local objection/view was received by the District Officer/Yuen Long; and
- (e) the Planning Department (PlanD)’s views – PlanD did not support the application for reasons as detailed in paragraph 12.2 of the Paper in that the applied use was not in line with the planning intentions of the “Residential (Group E)” and “Recreation” zones, and there was no strong justification in the applicant’s submission to merit a departure from such planning intention, even on a temporary basis. 70% of the application site fell

within the Category 3 areas under the Town Planning Board (TPB) Guidelines No. 13D, and there was no previous planning approval granted for the site. There were adverse comments from the DEP, and the technical submission could not sufficiently demonstrate that the proposed development would not have adverse environmental impacts on the surrounding areas. Also, the Assistant Commissioner for Transport/New Territories, Transport Department considered that the land status and management/maintenance responsibilities of the road/path/track leading to the application site should be clarified and sorted out.

45. Members had no question on the application.

#### Deliberation Session

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

- (a) the proposed development was not in line with the planning intentions of the “Residential (Group E)” and “Recreation” (“REC”) zones which were primarily for phasing out of existing industrial uses through redevelopment for residential use on application to the Town Planning Board (TPB), and for recreational developments for the use of the general public respectively. There was no strong justification in the submission to merit for a departure from such planning intention, even on a temporary basis;
- (b) the proposed development was not compatible with the nearby residential dwellings;
- (c) the proposed development was not in line with the TPB Guidelines for Application for Open Storage and Port Back-up Uses (TPB PG-No. 13D) in that there was no previous planning approval granted for the site and there were adverse departmental comments from concerned Government departments on the environmental and traffic aspects against the application. There was also insufficient information in the submission to

demonstrate that the development would not have adverse environmental and traffic impacts on the surrounding areas; and

- (d) no previous planning approval had been given for this part of the “REC” zone. The approval of the application would set an undesirable precedent and encourage other similar applications for similar development within this part of the “REC” zone. The cumulative effect of approving such applications would result in general degradation of the environment of the area.

[Open Meeting (Presentation and Question Sessions Only)]

- (v) A/YL-NTM/219 Renewal of Planning Approval for Temporary Fee-Paying Public Open Vehicle Park and Open Storage of Container Boxes with Ancillary Facilities (including Repair Workshop and Canteen) for a Period of 5 Years in “Open Storage” zone, Government Land in D.D. 105, Mai Po Lung Road, Ngau Tam Mei, Yuen Long  
(RNTPC Paper No. A/YL-NTM/219)
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47. The application was submitted by the Lands Department (LandsD). The Secretary reported that Mr. C.S. Mills had declared an interest in the item as he was an Assistant Director of the LandsD.

[Mr. C.S. Mills left the meeting temporarily at this point. Mr. B.W. Chan returned to join the meeting at this point.]

#### Presentation and Question Sessions

48. 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 renewal of planning approval for temporary fee-paying public

open vehicle park and open storage of container boxes with ancillary facilities (including repair workshop and canteen) under application No. A/YL-NTM/122 for a period of 5 years;

- (c) departmental comments – concerned Government departments had no objection to or no adverse comment on the application, except for the Director of Environmental Protection (DEP) who did not support the application as four environmental complaints pertaining to the application site were received in the past three years, and there were sensitive uses in the vicinity of the application site and the access road (i.e. Mai Po Lung Road);
- (d) no public comment was received during the statutory publication period, and no local objection/view was received by the District Officer/Yuen Long; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application on the grounds as detailed in paragraph 11.2 of the Paper in that the application was generally in line with the Town Planning Board Guidelines No. 13D. The uses under application were compatible with the surrounding uses and generally in line with the planning intention of the “Open Storage” zone. Approval conditions to restrict operation hours could minimize the potential environmental impacts generated from the application site. The application was for a renewal of the planning approval for the same uses previously granted for the site, and all relevant approval conditions of that permission had been complied with. Since January 2007, the Committee had approved seven similar applications in the area and there was no change in the planning circumstances.

49. Members had no question on the application.

#### Deliberation Session

50. In response to a Member’s questions, Mr. Anthony C.Y. Lee said that a section of

the access road between Mai Po Lung Road and the ingress/egress of the application site was paved with a width of about 8m to 9m. A Chinese temple was next to that section of the access road but the patronage was not high. Some domestic structures were found to the north of the application site on the opposite side of the access road. Residents of these structures had to share the same access road with the application site.

51. In response to another Member's enquiry, both Mr. Anthony C.Y. Lee and Mr. Elvis W.K. Au said that they had no information at hand on who the complainants were, but they were likely to be the local residents in the vicinity. In view of the environmental complaints received by the DEP, a Member suggested to shorten the approval period so as to monitor the situation. Other Members agreed.

52. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 25.1.2011, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no night-time operation between 11:00 p.m. and 7:00 a.m. was allowed on the site during the planning approval period;
- (b) no operation on Sundays or public holidays between 5:00pm and 10:00am was allowed on the site during the planning approval period;
- (c) the existing landscape planting on the site should be maintained at all times during the approval period;
- (d) the submission of an as-built drainage plan and 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 16.2.2008;
- (e) 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 16.5.2008;

- (f) in relation to (e) 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 16.8.2008;
- (g) if any of the above planning conditions (a), (b) or (c) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice; and
- (h) if any of the above planning conditions (d), (e) or (f) 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

53. The Committee also agreed to advise the applicant :

- (a) that a shorter approval period of 3 years had been granted so as to monitor the situation;
- (b) to follow the latest “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Environmental Protection Department to minimize potential environmental impacts on the surrounding areas;
- (c) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that the applicant was fully responsible for the proper maintenance of the drainage facilities on site. To ensure that all existing flow paths would be properly intercepted and maintained without increasing the flooding risk of the adjacent areas, the applicant should not disturb all existing drains and streams in its vicinity. No public sewerage maintained by his Department was currently available for connection. For sewage disposal and treatment, agreement from Director of Environmental Protection should be obtained;



- (d) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department that his Office was not/should not be responsible for the maintenance of any existing vehicular access connecting the application site and Mai Po Lung Road;
- (e) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department that all building works were subject to compliance with the Buildings Ordinance. Authorized Person should be appointed to coordinate all building works. The granting of planning approval should not be construed as an acceptance of the unauthorized structures on site under the Buildings Ordinance. Enforcement action might be taken to effect the removal of all unauthorized works in the future; and
- (f) to note the comments of the Director of Fire Services that detailed fire safety requirements would be formulated upon receipt of formal submission of general building plans. Should the canteen be open to the public, a proper application to the Food and Environmental Hygiene Department (FEHD) would be required and additional fire safety requirements would be formulated upon receipt of formal application referral from the FEHD. The applicant was advised to approach his regional office for advice. It was noted that the site was proposed to be used as repair workshop in which activities involving storage/use of dangerous goods were likely. The applicant was advised to approach his Dangerous Goods Division.

[Mr. C.S. Mills returned to join the meeting at this point.]

[Open Meeting (Presentation and Question Sessions Only)]

- (vi) A/YL-NTM/220 Renewal of Planning Approval for Temporary Open Storage of Landscaping Materials for a Period of 3 Years in “Green Belt” zone, Lot 882(Part) in D.D. 105, Shek Wu Wai San Tsuen, Ngau Tam Mei, Yuen Long  
(RNTPC Paper No. A/YL-NTM/220)
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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) the proposed renewal of planning approval for temporary open storage of landscaping materials under application No. A/YL-NTM/188 for a period of 3 years;
- (c) departmental comments – concerned Government departments had no objection to or no adverse comment on the application, except for the Director of Agriculture, Fisheries and Conservation who did not favour the application from the agricultural development point of view as the application site had a high potential for agricultural rehabilitation;
- (d) no public comment was received during the statutory publication period, and no local objection/view was received by the District Officer/Yuen Long; and
- (e) the Planning Department (PlanD)’s views – PlanD considered that sympathetic consideration could be given to the application on the grounds as detailed in paragraph 12.2 of the Paper. Although the application site fell within the Category 4 areas under the Town Planning Board (TPB) Guidelines No. 13D and the previous 2-year approval was to allow time for the applicant to relocate his business to another suitable location, the

applied use was not incompatible with the surrounding uses and approval of the subject application would not frustrate the long term planning intention of the “Green Belt” zone. Given the small size of the application site (about 350m<sup>2</sup>), the type of materials stored on site, full compliance with the previous approval conditions, no change of planning circumstances since the last approval and no adverse comments from concerned departments, sympathetic consideration could be given to renew the application for another 2 years to monitor the situation.

55. In response to a Member’s questions, Mr. Anthony C.Y. Lee said that the same use on the same site submitted by the same applicant had been renewed twice since 2003. The last renewal application (No. A/YL-NTM/188) was approved by the Committee for 2 years in December 2005. It was stated in the letter to the applicant that the 2-year approval was to allow time for the applicant to relocate his business to another suitable location. In processing the subject application, it was however considered that the concerned open storage of landscaping materials was a use similar to plant nursery in nature which was an always permitted use in “GB” zone. As such, sympathetic consideration to the application was suggested.

#### Deliberation Session

56. In view of the nature of the applied use which could be tolerated in “GB” zone, Members agreed that sympathetic consideration could be given to the application.

57. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 2 years until 9.12.2009, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no medium or heavy goods vehicles, exceeding 5.5 tonnes, were allowed for the operation of the site at any time during the planning approval period;
- (b) the existing landscape planting on the site should be maintained at all times during the planning approval period;

- (c) the existing drainage facilities on the site should be maintained at all times during the planning approval period;
- (d) the submission of a condition record of the existing drainage facilities on site within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 16.5.2008;
- (e) 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;
- (f) if the above planning condition (d) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and
- (g) upon expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the TPB.

58. The Committee also agreed to advise the applicant :

- (a) that a shorter approval period was granted so as to monitor the situation;
- (b) to submit the up-dated as-planted plan to the Chief Town Planner/Urban Design and Landscape, Planning Department for record purpose;
- (c) to follow the latest “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Environmental Protection Department to minimize potential environmental impacts on the surrounding areas;

- (d) to note the advice of the Assistant Commissioner for Transport/New Territories, Transport Department that the land status, management and maintenance responsibility of the access road leading to the site should be checked;
- (e) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department that the road leading to the site was not maintained by his Department; and
- (f) to note the comments of the Chief Engineer/Development(2), Water Supplies Department that the applicant might need to make use of his/her private sump and pump system to effect adequate water supply to the development. The applicant should be responsible for the construction, operation and maintenance to his Department's standards of any private water supply system for water supply to the development.

[Open Meeting (Presentation and Question Sessions Only)]

- (vii)        A/YL-NTM/221        Temporary Warehouse for Cargo Handling and Forwarding Facility for a Period of 2 Years in "Comprehensive Development Area" zone, Lots 1700(Part), 1703(Part), 1704(Part), 1705(Part), 1706(Part), 1707(Part), 1708, 1709S.A and B, 1710, 1711(Part), 1712(Part), 1713(Part), 1737(Part), 1739(Part), 1740, 1741, 1742(Part), 1743(Part), 1744, 1745(Part), 1746, 1747 (Part), 1755(Part), 1756, 1757(Part), 1758(Part), 1759, 1760(Part), 1762(Part) and 1763(Part) in D.D. 104 and Adjoining Government Land, Chuk Yau Road, Ngau Tam Mei, Yuen Long  
(RNTPC Paper No. A/YL-NTM/221)
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59.        The Secretary reported that Dr. James C. W. Lau had declared interest in this item as he had current business dealings with Top Bright Consultants Ltd., the consultant of the applicant. The Committee noted that Dr. Lau had tendered apologies for not attending the meeting.

60. Members noted that a replacement Plan A-1a was tabled at the meeting.

Presentation and Question Sessions

61. 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 warehouse for cargo handling and forwarding facility for a period of 2 years;
- (c) departmental comments – the Director of Environmental Protection (DEP) did not support the application as there were sensitive uses located in the vicinity of the application site and the access road (i.e. Chuk Yau Road). The Assistant Commissioner for Transport/New Territories, Transport Department (AC for T/NT, TD) noted that the width of the access road might not be sufficient for two-way traffic of goods vehicles or container vehicles. Reversing vehicles might be required which was not safe. The Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) considered that the submitted drainage proposal was not satisfactory. Other concerned departments had no objection to or no major adverse comment on the application;
- (d) no public comment was received during the statutory publication period but the District Officer/Yuen Long had received several complaints on the usage of Chuk Yau Road by heavy goods vehicles, causing traffic congestion and inconvenience to the villagers in the locality; and
- (e) the Planning Department (PlanD)'s views – PlanD did not support the application for reasons as detailed in paragraph 11.1 of the Paper in that there were some scattered dwellings close to the application site, with the nearest one about 5m to the west. Although the site was surrounded by a

number of open storage yards, most of them were suspected unauthorized developments which were subject to enforcement action by the Planning Authority. The DEP and AC for T/NT, TD did not support the application from environmental and traffic points of view respectively. Also, the submitted drainage proposal was not satisfactory. Since 2002, the Town Planning Board/Committee had rejected a total of six previous applications involving temporary container vehicle park or open storage use on the application site. There was no material change in planning circumstances to justify a deviation from the previous decisions.

62. Members had no question on the application.

#### Deliberation Session

63. 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 development would not have adverse environmental, traffic and drainage impacts on the surrounding area.

#### [Open Meeting (Presentation and Question Sessions Only)]

(viii) A/YL-ST/344 Temporary Public Vehicle Park (including Private Cars, Container Vehicles and Heavy Goods Vehicles) with Ancillary Facilities (including Vehicle Repair Area, Site Offices and Canteen) and Storage of Metal Ware and Construction Materials for a Period of 3 Years in “Undetermined” zone, Lots 253, 254, 255, 256, 257, 258, 259, 260, 261(Part), 262(Part), 264(Part), 265, 266, 267, 268, 270, 279S.BRP(Part), 280 and 372S.DRP(Part) in D.D. 99 and Adjoining Government Land, San Tin, Yuen Long  
(RNTPC Paper No. A/YL-ST/344)

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Presentation and Question Sessions

64. 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 public vehicle park (including private cars, container vehicles and heavy goods vehicles) with ancillary facilities (including vehicle repair area, site offices and canteen) and storage of metal ware and construction materials for a period of 3 years;
- (c) departmental comments – concerned departments had no objection to or no major adverse comment on the application, except for the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD) who did not support the application mainly for the reasons that some unauthorized structures for the applied uses had been erected on the application site, including Government land, and the land owners had failed to apply to his Office for regularization of the unauthorized structures and unauthorized occupation of Government land;
- (d) no public comment was received during the statutory publication period, and no local objection/view was received by the District Officer/Yuen Long; and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the proposed temporary uses could be tolerated for the reasons as detailed in paragraph 12.2 of the Paper. Should the application be approved, the applicant would be advised to apply to the DLO/YL, LandsD for regularizing the unauthorized structures on the application site.

65. Members had no question on the application.



Deliberation Session

66. In response to Chairperson's enquiry, Mr. Anthony C.Y. Lee confirmed that the PlanD was undertaking a land use review of the "Undetermined" zone on the San Tin Outline Zoning Plan.

67. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 16.11.2010, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) the setting back the boundary of the site to avoid encroachment onto the area within KCRC's 30m railway protection zone and gazetted alignment of the 'Sheung Shui to Lok Ma Chau Spur Line' and project limit of 'Railway Development Study 2000 Northern Link Influence Area' as and when required by Government departments;
- (b) the existing drainage facilities on the site should be maintained during the planning approval period;
- (c) the existing vegetation on the site should be maintained during the planning approval period;
- (d) the submission of a condition record of the existing drainage facilities approved under application (No. A/YL-ST/316) within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 16.2.2008;
- (e) the submission of fire service installations within 3 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 16.2.2008;
- (f) in relation to (e) above, the implementation of fire service installations within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 16.5.2008;

- (g) the submission of a proper run-in proposal for the site within 3 months from the date of planning approval to the satisfaction of the Commissioner for Transport or of the TPB by 16.2.2008;
- (h) in relation to (g) above, the provision of a proper run-in within 6 months from the date of planning approval to the satisfaction of the Commissioner for Transport or of the TPB by 16.5.2008;
- (i) if any of the above planning conditions (a), (b) or (c) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (j) if any of the above planning conditions (d), (e), (f), (g) or (h) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and
- (k) upon expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the TPB.

68. The Committee also agreed to advise the applicant :

- (a) that prior planning permission should have been obtained before commencing the development on site;
- (b) that shorter compliance periods were granted so as to closely monitor the fulfilment of approval conditions;
- (c) to resolve any land issues relating to the development with the concerned owner(s) of the application site;

- (d) to note the comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD) that no structures should be erected without prior approval from his Office. The landowners/operator should apply to DLO/YL, LandsD for Short Term Waiver and Short Term Tenancy to regularize the unauthorized structures on site and illegal occupation of Government land. His office reserved the right to take enforcement action against any irregularities;
- (e) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department that his Office was not/should not be responsible for the maintenance of any existing vehicular access connecting the site and Lok Ma Chau Road;
- (f) to follow the latest 'Code of Practice on Handling Environmental Aspects of Open Storage and Temporary Uses' issued by the Environmental Protection Department;
- (g) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department that the granting of planning approval should not be construed as condoning any structures existing on site under the Buildings Ordinance and the allied regulations. Actions appropriate under the Buildings Ordinance or other enactment might be taken if contravention was found. Formal submission of any proposed new building works, including any temporary structure, for approval under the Buildings Ordinance was required;
- (h) to note the comments of the Director of Fire Services that the applicant should submit relevant building plans incorporated with the proposed fire service installations to his Department for approval even though the submission of general building plans was not required under the Buildings Ordinance. The applicant/operator should approach his Dangerous Goods Division for advice on licensing of the premises for the above purpose where necessary;

- (i) to note the comments of the Chief Engineer/Development(2), Water Supplies Department that the applicant should bear the cost of any necessary diversion works affected by the proposed development; and
- (j) to note the advice of the Director of Food and Environmental Hygiene that the canteen should be used exclusively of the employee of the works place and should be operated by the applicant or his agent. The operation on site should not cause any environmental nuisance to the surroundings and the management of the car park was responsible for removal and disposal of the trade refuse.

[Open Meeting (Presentation and Question Sessions Only)]

- (ix)        A/YL-PH/549        Temporary Open Storage of Private Cars and Light/Medium Goods Vehicles Prior to Sale for a Period of 3 Years in “Village Type Development” zone, Lots 2116S.Bss.11(Part), 2116S.BRP(Part), 2124S.Bss.1(Part), 2124S.Bss.2, 2124S.Bss.4, 2124S.Bss.6(Part), 2124S.Bss.7(Part), 2124S.BRP(Part) and 2123S.B(Part) in D.D. 111, Kam Tin Road, Pat Heung, Yuen Long  
(RNTPC Paper No. A/YL-PH/549)
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Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed temporary open storage of private cars and light/medium goods vehicles prior to sale for a period of 3 years;
- (c) departmental comments – concerned departments had no objection to or no major adverse comment on the application;

- (d) a Yuen Long District Council member made a public comment during the statutory publication period, objecting to the application on the grounds that the air and noise pollutions generated from the applied use would adversely affect the aged in the nearby elderly home; and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the application could be tolerated for another 12 months on the grounds as detailed in paragraph 12.2 of the Paper. As regards the public comment, the Director of Environmental Protection had not received any environmental complaints against the site in the past three years. Approval conditions to restrict the operation hours and types of vehicles, and prohibiting vehicle repairing and other workshop activities were recommended to minimize any potential impacts on the environment.

70. Members had no question on the application.

#### Deliberation Session

71. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 12 months until 16.11.2008, 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 6:30 p.m. and 10:00 a.m., as proposed by the applicant, was allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, was allowed on the site during the planning approval period;
- (c) no repairing, maintenance and dismantling activities were allowed on the application site at any time during the planning approval period;
- (d) no heavy vehicles, i.e. over 24 tonnes, were allowed to be stored/parked within the application site at any time during the planning approval period;

- (e) the existing landscape plantings on the application site should be maintained at all times during the planning approval period;
- (f) the existing drainage facilities on the site should be maintained at all times during the approval period;
- (g) the submission of run-in/out proposal within 3 months from the date of planning approval to the satisfaction of the Director of Highway Department or the TPB by 16.2.2008;
- (h) in relation to (g) above, the implementation of run-in/out within 6 months from the date of planning approval to the satisfaction of the Director of Highway Department or the TPB by 16.5.2008;
- (i) if any of the above planning conditions (a), (b), (c), (d), (e) or (f) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (j) if any of the above planning conditions (g) or (h) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and
- (k) upon the expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the TPB.

72. The Committee also agreed to advise the applicant :

- (a) that prior planning permission should have been obtained before continuing the applied use at the application site;

- (b) that a shorter approval period was granted to allow additional time for relocation of his business to other suitable locations. No further renewal of planning permission would be allowed;
- (c) to resolve any land issues relating to the development with other concerned owner(s) of the application site;
- (d) to note the comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD) that no structures were allowed to be erected without prior approval from his office. His recent site visit revealed that the site was being used as the applied use with an unauthorized structure erected there for ancillary facilities. His office reserved the right to take enforcement action against these irregularities. The applicant should be advised that a Short Term Waiver should be applied for regularizing the structures on the lot;
- (e) to note the comments of the Assistant Commissioner for Transport/New Territories, Transport Department (TD) that the land status of the strip of land between the site and Kam Tin Road should be checked with the lands authority. The management and maintenance responsibilities of the same strip of land should be clarified and the relevant lands and maintenance authorities should be consulted accordingly;
- (f) to 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 Environmental Protection Department to alleviate any potential environmental nuisance;
- (g) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department (HyD) that access proposal should also be submitted to the TD for agreement. If the TD agreed, a run-in should be constructed at the access point in accordance with the latest version of HyD Standard Drawing Nos. H1113 and H1114 to match the pavement type of adjacent footpath;

- (h) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that a site inspection on the drainage works was required. Besides, DLO/YL, LandsD or the relevant land owner should be consulted as regards to all proposed drainage works falling outside the site boundary or outside the jurisdiction of the applicant;
- (i) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department that all unauthorized structures on the site should be removed. All building works were subject to compliance with the Buildings Ordinance. Authorized Person should be appointed to coordinate all building works. The granting of planning approval should not be construed as an acceptance of the unauthorized structures on site under the Buildings Ordinance. Enforcement action might be taken to effect the removal of all unauthorized works in the future; and
- (j) to note the comments of the Director of Electrical and Mechanical Services that based on the information provided by CLP Power Hong Kong Ltd. (CLP), there were high voltage (11kV) overhead lines, high voltage underground cables, low voltage overhead lines and low voltage underground cables within and in the vicinity of the site. Prior to establishing any structure within the application site, the applicant and his contractors should liaise with CLP 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 CLP to divert the concerned section of the overhead lines or have them replaced by underground cables. The “Code of Practice on Working near Electricity Supply Lines” established under the Electricity Supply Lines (Protection) Regulation should be observed by the applicant and his contractors when carrying out works in the vicinity of electricity supply lines.



[Open Meeting (Presentation and Question Sessions Only)]

- (x)            A/YL-TT/216            Proposed Temporary Vegetable Collection and Transfer Station for a Period of 3 Years in “Village Type Development” zone, Government Land in D.D. 117, Shui Tsiu San Tsuen, Shap Pat Heung, Yuen Long  
(RNTPC Paper No. A/YL-TT/216)
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Presentation and Question Sessions

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

- (a)    background to the application;
- (b)    the proposed temporary vegetable collection and transfer station for a period of 3 years;
- (c)    departmental comments – the Director of Agriculture, Fisheries and Conservation supported the application from agricultural point of view. Other concerned departments had no objection to or no major adverse comment on the application;
- (d)    no public comment was received during the statutory publication period, and no local objection/view was received by the District Officer/Yuen Long; and
- (e)    the Planning Department (PlanD)’s views – PlanD had no objection to the application for the reasons as detailed in paragraph 11.1 of the Paper. Since the previous application (No. A/YL-TT/197) for the same use on the same site was approved for a period of 18 months only, it was considered that the subject application should be approved for the same period instead of 3 years so as to monitor the development.

74. Members had no question on the application.

Deliberation Session

75. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 18 months until 16.5.2009, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) the operation hours were restricted to 7:00 a.m. to 12:00 noon from Mondays to Saturdays, as proposed by the applicant, during the planning approval period;
- (b) the submission of loading/unloading facilities proposals within 3 months from the date of planning approval to the satisfaction of the Commissioner for Transport or of the TPB by 16.2.2008;
- (c) the provision of loading/unloading facilities within 6 months from the date of planning approval to the satisfaction of the Commissioner for Transport or of the TPB by 16.5.2008;
- (d) the implementation of the landscape and tree preservation proposals as approved under the previous application (No. A/YL-TT/197) within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 16.5.2008;
- (e) the submission of drainage proposals within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 16.2.2008;
- (f) the provision of the drainage facilities within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 16.5.2008;
- (g) the submission of fire service installations within 3 months from the date of

planning approval to the satisfaction of the Director of Fire Services or of the TPB by 16.2.2008;

- (h) the provision of fire service installations within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 16.5.2008;
- (i) if the above planning condition (a) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (j) if any of the above planning conditions (b), (c), (d), (e), (f), (g) or (h) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and
- (k) upon expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the TPB.

76. The Committee also agreed to advise the applicant :

- (a) that a shorter approval period and compliance periods were imposed so as to monitor the situation and fulfilment of approval conditions;
- (b) to note the comments of the District Lands Officer/Yuen Long, Lands Department that the applicant should apply to his office for the erection of the proposed structures on site after obtaining the planning permission. However, his office did not guarantee the approval upon receipt of application;
- (c) to note the comments of the Assistant Commissioner for Transport/New Territories, Transport Department that the land status of the road/path/track leading to the site should be checked with the lands authority. The

management and maintenance responsibilities of the same road/path/track should be clarified and the relevant lands and maintenance authorities should also be consulted accordingly;

- (d) to 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 Environmental Protection Department to alleviate any potential environmental nuisance;
- (e) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department that formal submission of any proposed new works, including any temporary structure for storage and office, for approval under the Buildings Ordinance was required. If the site was not abutting and accessible from a street having a width of not less than 4.5m, the development intensity should be determined by the Building Authority under Building (Planning) Regulation 19(3) at the plan submission stage;
- (f) to note the comments of Chief Engineer/Development(2), Water Supplies Department that existing water mains would be affected. The developer should bear the cost of any necessary diversion works affected by the proposed development;
- (g) to note the comments of the Director of Fire Services that detail 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 incorporating with the proposed FSIs to his department for approval even though the submission of general building plans was not required under the Buildings Ordinance; and
- (h) to note the comments of the Director of Electrical and Mechanical Services that the applicant and his contractors should observed the ‘Code of Practice on Working near Electricity Supply Lines’ established under the Electricity

Supply Lines (Protection) Regulation 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 Ltd. to divert the existing low voltage overhead lines away from the vicinity of the proposed development.

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

**Agenda Item 7**

Any Other Business

77. The Secretary informed Members that as legal advice on issue relating to the Wan Chai North and North Point Outline Zoning Plans was being sought, the hearing of the concerned further objections and representations were rescheduled to 7.12.2007. As such, there was no need to hold the Town Planning Board special meeting scheduled on 21.11.2007.

78. There being no other business, the meeting was closed at 4:15 p.m..