

TOWN PLANNING BOARD

Minutes of 366th Meeting of the Rural and New Town Planning Committee held at 2:30 p.m. on 1.2.2008

Present

Director of Planning
Mrs. Ava S.Y. Ng

Chairperson

Mr. Michael K.C. Lai

Vice-chairman

Professor Peter R. Hills

Mr. Tony C.N. Kan

Mr. Edmund K.H. Leung

Dr. C.N. Ng

Mr. B.W. Chan

Mr. Y.K. Cheng

Ms. Anna S.Y. Kwong

Dr. James C.W. Lau

Chief Engineer/Traffic Engineering (New Territories East),
Transport Department
Mr. Ambrose Cheong

Assistant Director (Environmental Assessment),
Environmental Protection Department
Mr. C.W. Tse

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

Secretary

Absent with Apologies

Ms. Carmen K.M. Chan

Professor Nora F.Y. Tam

Mr. David W.M. Chan

Dr. Lily Chiang

Professor David Dudgeon

Mr. Alfred Donald Yap

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
Ms. Christine K.C. Tse

Town Planner/Town Planning Board
Mr. Simon C.K. Cheung

Agenda Item 1

Confirmation of the Draft Minutes of the 365th RNTPC Meeting held on 18.1.2008

[Open Meeting]

1. The draft minutes of the 365th RNTPC meeting held on 18.1.2008 were confirmed without amendments.

Agenda Item 2

Matters Arising

[Open Meeting]

(a) Town Planning Appeal Abandoned

Town Planning Appeal No. 5 of 2007

Temporary Open Storage of Construction Materials and Machinery

For a Period of 3 Years in “Agriculture” zone, Lots 1008RP(Part), 1012, 1013, 1014(Part), 1015A, 1015B, 1015RP(Part), 1016, 1017(Part), 1018(Part), 1022RP(Part), 1023, 1024, 1026RP(Part), 1028A(Part), 1028B(Part), 1029(Part), 1030(Part), 1031, 1032, 1033, 1034(Part), 1035(Part) and 1038(Part) in DD113 and Adjoining Government Land,

Kam Tin South, Yuen Long (Application No. A/YL-KTS/385)

2. The Secretary reported that the subject appeal was received by the Town Planning Appeal Board (TPAB) on 23.3.2007 against the decision of the Town Planning Board (TPB) on 12.1.2007 to reject on review an application (No. A/YL-KTS/385) for temporary open storage of construction materials and machinery for a period of 3 years at a site zoned “Agriculture” on the Kam Tin South Outline Zoning Plan.

3. On 7.1.2008, the appeal was abandoned by the Appellant of his own accord. On 24.1.2008, the abandonment was confirmed by the TPAB in accordance with Regulation 7(1) of the Town Planning (Appeals) Regulations.

(b) Appeal Statistics

4. The Secretary also reported that as at 1.2.2008, 12 cases were yet to be heard by the TPAB. Details of the appeal statistics were as follows :

Allowed	:	20
Dismissed	:	106
Abandoned/Withdrawn/Invalid	:	127
Yet to be Heard	:	12
Decision Outstanding	:	5
Total	:	270

Sha Tin, Tai Po and North District

Agenda Item 3

Section 12A Application

[Open Meeting (Presentation and Question Sessions Only)]

Y/ST/4 Application for Amendment to the
Approved Sha Tin Outline Zoning Plan No. S/ST/23
from “Green Belt” to “Comprehensive Development Area (2)”,
Lots 379 and 380RP(Part) in DD 186, Sha Tin
(RNTPC Paper No. Y/ST/4)

5. Mr. W.W. Chan, Senior Town Planner/Shan Tin, Tai Po and North (STP/STN), and Mr. M.T. Wong, Transport Department’s (TD) representative, and the following applicant’s representatives were invited to the meeting at this point :

Mr. S.K. Ngai) Applicant’s Representatives
Mr. P.K. Chung)

6. The Chairperson extended a welcome and briefly explained the hearing procedures.

Presentation and Question Sessions

7. The Chairperson then invited Mr. W.W. Chan, STP/STN, to brief Members on the background of the application. With the aid of a Powerpoint presentation, Mr. W.W. Chan presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application for amendment to the approved Sha Tin Outline Zoning Plan (OZP) No. S/ST/23;
- (b) proposed rezoning from “Green Belt” (“GB”) to “Comprehensive Development Area (2)” (“CDA(2)”) subject to a maximum gross floor area of 774.6m² and a maximum building height of 3 storeys over one-storey of car park at a total height of 16m;
- (c) characteristics of the application site and its surrounding area as detailed in paragraph 7 of the Paper;
- (d) the planning and landuse history of application site as detailed in paragraph 4 of the Paper;
- (e) departmental comments were detailed in paragraph 9 of the Paper, highlighting that TD did not support the proposed development because of its precedent effect of entailing subsequent property development in the “GB” zone which would result in cumulative traffic impact on the local road network including both Tung Lo Wan Hill Road and To Fung Shan Road;

[Messrs. Tony C.N. Kan, Y.K. Cheng and C.W. Tse arrived to join the meeting at this point.]

- (f) a total of nine public comments on the application and the further information were received during the statutory publication period, of which eight objected to and one raised concerns on the application from traffic, environmental, natural landscape, ecological and fung shui points of view. The District Officer/Shan Tin (DO/ST) advised that there were objections

from the village representatives of the Tung Lo Wan Village to the application; and

- (g) the Planning Department (PlanD)'s views – PlanD had reservation on the application based on the assessment and for reasons given in paragraphs 11 and 12.1 of the Paper, in that the application site together with the surrounding “GB” zone was covered with dense vegetation and mature trees, which served as a green backdrop to the area. The “GB” zoning was hence considered appropriate for the area, and there was a general presumption against development in the “GB” zone. PlanD shared TD's concerns that approval of the application would set an undesirable precedent for similar applications, the cumulative traffic impact of which would aggravate the traffic situation of the local road network.

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

8. The Chairperson then invited the applicant's representatives to elaborate on the application. Mr. S.K. Ngai made the following main points :

- (a) referring to Drawing Z-7 of the Paper, the area surrounding the application site was served by two access roads, namely Tung Lo Wan Hill Road and To Fung Shan Road. A new road running through Pristine Villa (Phases 2, 3 and 4) was being constructed to connect Mei Tin Road with Tung Lo Wan Hill Road and it would be opened very soon. Hence, the road network in the area would be subject to change;
- (b) referring to Plan Z-2 of the Paper, the application site was accessible via Tung Lo Wan Hill Road in the south or a local track leading from To Fung Shan Road in the north. The application site had a sloping topography, with large site level difference ranging from 74mPD to 178mPD;
- (c) In the northern part of the application site, there was an existing house (which should have been built within Lot 379 but was found located slightly northward of the lot) which could only be accessible via the local track from To Fung Shan Road. On the southern platform of the

application site, there were 9 structures, which were built in 1950s and had once been used by about 7 families for domestic purpose in 1980s. Lot 379 had building entitlement of 158.5m² whilst the 9 structures with a total area of 924m² might be covered by Short Term Waiver for non-domestic use;

- (d) referring to Drawing Z-6 of the Paper, the application site was subject to four Dangerous Hillside Orders which the owner was required to undertake slope repairing works. According to the owner, there were two slope repairing options (i.e. Options 1 and 2), both approved by Civil Engineering and Development Department. Drawing Z-6 showed Option 2 which was considered more desirable as compared with Option 1 given that Option 2 affected a relatively smaller area and hence created less impact on the surrounding areas;
- (e) as compared with the previous five s.16 applications, the current scheme involved a significant reduction in plot ratio to 0.05 for the application site, and adopted an approach to give due regard to the landscape setting of the surrounding environment and the proposed slope repairing works in formulating the layout and design of the proposed single house development;
- (f) Chief Town Planner/Urban Design & Landscape (CTP/UD&L), PlanD and Architectural Services Department considered the proposed single house development compatible with the surrounding areas. Other concerned Government departments including Agriculture, Fisheries and Conservation Department and Environmental Protection Department had no objection to or no adverse comments on the application. Nevertheless, TD considered the proposed development would set an undesirable precedent and cause cumulative traffic impact to the local road network;
- (g) In terms of the precedent effects, there were 8 building lots to the north of the application site in the To Fung Shan area which had similar rezoning history (rezoned from “Residential (Group B)” (“R(B)”) to “GB” in 1983)

as the application site. These building lots could only have direct vehicular access via To Fung Shan Road whilst the application site could have direct vehicular access via Tung Lo Wan Hill Road. It was believed that each of these building lots would be redeveloped into individual house only, and hence the cumulative traffic impact was considered insignificant. On the other hand, the current scheme involved a reduction from the previous 7 to 8 families residing in the application site to 1 house only. Furthermore, the existing house located in the northern part of the application site would be removed and there would be no vehicle to/from the application site via To Fung Shan Road. According to the Traffic Impact Assessment undertaken by the applicant, the proposed single house development would have minimal traffic impact on the area. As such, the proposed rezoning proposal was considered acceptable;

- (h) regarding the public concerns, WWF Hong Kong initially objected to the application but had no adverse comments on the further information submitted on the application. Nevertheless, they were concerned about how the landscaping work should be carried out; and
- (i) the purpose of submitting a s.12A application instead of s.16 application was that the proposed zoning amendment of “CDA(2)” at the application site would effect better planning control by allowing the Town Planning Board to scrutinize the future development proposed. The proposed Notes of the “CDA(2)” zoning which had purposely included only ‘house’ and not ‘flat’ as Column 2 uses, had indicated clearly the intention of the proposal.

9. Members raised the following questions :

The Proposal

- (a) clarification on the maximum gross floor area of building entitlement for the application site, noting that in the submission, Lot 379 had building entitlement of 158.5m² and Lot 380RP had existing structures of 686m²

whilst the gross floor area for the proposed development was 774.6 m²;

- (b) whether the slope repairing proposal was formulated to provide a platform for accommodating the proposed single house development;
- (c) justification on the proposed rezoning to “CDA(2)” for the application site instead of “R(B)” zoning similar to the neighbouring development;

Traffic Issue

- (d) clarification on the traffic impact generated by the proposed one house development;
- (e) current traffic arrangement of Tung Lo Wan Hill Road, To Fung Shan Road, and the new road near Pristine Villa (Phases 2, 3 and 4) especially the upper section of Tung Lo Wan Hill Road connecting the application site; and
- (f) clarification from TD on the cumulative traffic impact arising from the redevelopment of the 8 building lots (excluding the application site) within the To Fung Shan area.

10. In reply, Mr. W.W. Chan made the following main points :

- (a) according to Lands Department (LandsD), the application site involved two Lots, i.e. Lots 379 and 380RP. Lot 379 had building entitlement of 158.5m² whilst Lot 380RP was an agricultural lot. The information relating to the existing structures of 686m² within Lot 380RP was provided by the applicant and LandsD had no record showing the approval of these structures; and
- (b) Appendix 4 of the Paper showed the land status record for 22 sites located within the To Fung Shan area previously rezoned from “R(B)” to “GB”. Among these sites, 9 (including the application site) were building lots, 7

were agricultural lots and 6 were mixed lots. Some of the building lots had already been developed into individual houses.

11. In response to Members' enquiries on traffic issue, Mr. M.T. Wong, TD's representative, made the following main points :

- (a) Whilst agreeing that the traffic impact arising from the proposed single house development was insignificant, TD was however concerned about the precedent effect of entailing subsequent property developments in the "GB" zone which would create cumulative traffic impact to the local road network;
- (b) the traffic arrangement in the area : Tung Lo Wan Hill Road was a two-way road and its upper section connecting the application site was steep and sub-standard. The upper section of To Fung Shan Road (north of Pristine Villa) was a two-way sub-standard road but the lower section of To Fung Shan Road (south of Pristine Villa) only allowed one-way traffic (uphill only). There was a two-way connection via Pak Lok Path within Pristine Villa which joined Tung Lo Wan Hill Road to To Fung Shan Road. As a result of the above arrangement, Tung Lo Wan Hill Road was the only traffic route downhill for developments in the To Fung Shan area. There were complaints from the nearby residents about the nuisance of lorries using Tung Lo Wan Hill Road to/from the To Fung Shan area. As such, TD was concerned that the existing traffic condition of Tung Lo Wan Hill Road and To Fung Shan Road were only barely acceptable, and hence the cumulative traffic impact generated by any further development would be undesirable;
- (c) the new road was constructed by the developer of Pristine Villa (Phases 2, 3 and 4) in accordance with TD's standard and would connect to Mei Tin Road at its existing roundabout. Even if the new road was opened, Tung Lo Wan Hill Road would still be a more direct route for vehicles to reach Tai Po Road. On the other hand, vehicles serving the proposed house at the application site would have to use the upper section of Tung Lo Wan

Hill Road which was a steep and sub-standard road; and

- (d) there was no information to assess the cumulative traffic impact arising from the 8 building lots as there was no application received for redevelopment of these building lots so far. Nevertheless, TD was concerned about the traffic impact generated by developments other than these building lots in the area.

12. Mr. S.K. Ngai also made the following main points :

- (a) Lot 379 had building entitlement of 158.5m² whilst Lot 380RP was an agricultural lot. According to the applicant, there were 9 structures within Lot 380RP, occupying a total area of 924m² with 686m² for domestic use. Two of these structures were found covered by Short Term Waiver with record;
- (b) in the slope repairing proposal, Option 2 was adopted as it would affect about 17 trees only and about 8000 new trees would be planted in the application site whilst Option 1 would affect about 170 trees. The new platform in Option 2 was not proposed to accommodate the single house development. Whilst an integrated approach was adopted in the current scheme involving slope repairing works and the single house development, the main intention was to protect the vegetation in the area;
- (c) referring to Photo 2 of Plan Z-4 of the Paper, the upper section of Tung Lo Wan Hill Road connecting the application site was about 4m wide and road widening was proposed in the current scheme;
- (d) the proposed amendment to “CDA(2)” zoning would enable the Town Planning Board to have better control on the future development at the application site. The applicant had submitted another s.12A application proposing to rezone the application site to “Residential (Group C)4” and the case had been deferred; and

- (e) the application site, together with other sites, were rezoned from “R(B)” to “GB” in 1983 based on the findings of the Inter-Departmental Working Group on To Fung Shan Development, which concluded that the major part of To Fung Shan would not be suitable for large-scale residential development on accessibility and landscaping grounds. When the application site was acquired by the applicant in 1981, it was zoned “R(B)” at that time. Since then, the applicant had submitted five applications for residential developments to the Town Planning Board with development parameters and intensity equivalent to that of “R(B)” and “R(C)” zones. All applications were rejected for the reasons that, inter alia, the proposed development was not in line with the planning intention of the “GB” zone. Given that the applicant had to pay for the slope repairing works, he considered it appropriate to include some form of development on the application site.

13. In response to a Member’s enquiry on ‘precedent’ effect, the Secretary explained that in considering precedent effect, one should focus on cases having similar circumstances, such as in the present case, sites with building lot status and rezoned together with the application site from “R(B)” to “GB” in 1983 might be taken as precedent cases.

14. As the applicant’s representatives had no further comment to make and Members had no further question to raise, the Chairperson informed them that the hearing procedures for the application had been completed and the Committee would further deliberate on the application in their absence and inform the applicant’s representatives of the Committee’s decision in due course. The Chairperson thanked the applicant’s representatives as well as PlanD’s and TD’s representatives for attending the meeting. They all left the meeting at this point.

Deliberation Session

15. Mr. Tony C.N. Kan, being a Sha Tin District Councillor declared an interest in this item. As Mr. Kan had not expressed any views, in the context of District Council discussion, on this application, the Committee agreed that he could remain in the meeting and participate in the discussion of this item.

16. Members generally considered the proposed amendments to rezone the application site to “CDA” not acceptable, and raised the following views and concerns :

- (a) rezoning a large piece of land currently zoned “GB” to “CDA” would be misleading and would not be acceptable by the public;
- (b) a Member considered that the application site and its surrounding area was the last piece of woodland left in Sha Tin and preservation of this woodland was necessary;
- (c) some Members considered that only the current building entitlement at the application site i.e. 158.5m² should be ascertained;
- (d) some Members were sympathetic to the application in view of the unique planning history, the building entitlement and the extent of slope works that needed to be carried out on site;
- (e) the traffic impact caused by the proposed single house development might not be significant and a new road near Pristine Villa (Phases 2, 3 and 4) would be opened in the near future; and
- (f) the 7.5m high retaining wall with a large platform in the southern part of the application site proposed in the slope repairing works was incompatible with the greenery backdrop of the area. Trees should be planted to screen the retaining wall and the platform.

17. In response to a Member’s enquiry on traffic issue, Mr. Ambrose Cheong said that traffic impact arising from the proposed single house development was insignificant. However, he was concerned about the precedent effect of entailing subsequent development in the area in view of the cumulative traffic impact in the local road network. The Chairperson indicated that in considering the precedent effect, the Committee should be mindful on the number of similar cases in the area. She noted that according to the Appendix IV of the Paper, there were not many cases with similar nature and individual

houses had already been built for most of the building lots within the To Fung Shan area. The cumulative traffic impact arising from the redevelopment of these individual houses might not be significant.

18. In response to a Member's concern on the building entitlement, the Secretary pointed out that according to LandsD, Lot 379 had building entitlement of 158.5m² and there was no record on the previous 9 structures located in the southern part of the application site as advised by the District Lands Officer/Shia Tin. The Chairperson said that the District Planning Officer/Shia Tin, Tai Po and North (DPO/STN) would liaise with LandsD and the applicant with a view to ascertaining the total gross floor area of building entitlement of the application site.

19. In response to Members' concern on the appropriateness of rezoning of the whole application site, the Chairperson said that the DPO/STN would carry out a review of the zoning of the application site and recommend the appropriate mechanism to control the future development, taking into account the need to preserve the green setting of the area.

20. The Chairperson summarized Member's views and said that while the proposed single house development on the site was not totally unacceptable, the proposed amendment in the current application for a "CDA(2)" zoning was not acceptable. However, Members agreed that subject to future checking with LandsD and the applicant on the building entitlement of the application site, the DPO/STN would carry out a review on the appropriate zoning of and development restrictions for the application site taking into account the Committee's concerns.

21. After deliberation, the Committee decided not to agree to the application for amendment for the reason that the application site together with the surrounding "Green Belt" ("GB") zone was covered with dense vegetation and mature trees, which served as a green backdrop to the area. The proposed "Comprehensive Development Area" zoning would be misleading as it might imply that the whole application site, including areas covered by dense vegetation, would be suitable for comprehensive development.

22. The Committee agreed to request the District Planning Officer/Shia Tin, Tai Po and North :

- (a) to liaise with Lands Department and the applicant with a view to ascertaining the total gross floor area of building entitlement of the application site; and
- (b) to carry out a review on the zoning of the application site.

[Mr. Edmund K.H. Leung left the meeting temporarily while Dr. C.N. Ng and Mr. B.W. Chan left the meeting at this point.]

[Ms. Stephanie P.H. Lai, Senior Town Planner/Shia Tin, Tai Po and North (STP/STN), and Dr. Kenneth S.S. Tang, STP/STN, were invited to the meeting at this point.]

Agenda Item 4

Section 16 Applications

[Open Meeting (Presentation and Question Sessions Only)]

- (i) A/FSS/174 Proposed House
(New Territories Exempted House – Small House)
in “Village Type Development” and “Green Belt” zones,
Lot 3983C in DD 51, Wo Hop Shek Village, Fanling
(RNTPC Paper No. A/FSS/174)

- (ii) A/FSS/175 Proposed House
(New Territories Exempted House – Small House)
in “Green Belt” zone,
Lot 3983D in DD 51, Wo Hop Shek Village, Fanling
(RNTPC Paper No. A/FSS/175)

- (iii) A/FSS/176 Proposed House
(New Territories Exempted House – Small House)
in “Green Belt” zone,
Lot 3983E in DD 51, Wo Hop Shek Village, Fanling
(RNTPC Paper No. A/FSS/176)

- (iv) A/FSS/177 Proposed House
(New Territories Exempted House – Small House)
in “Green Belt” zone,
Lot 3983F in DD 51, Wo Hop Shek Village, Fanling
(RNTPC Paper No. A/FSS/177)
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23. Noting that the four applications (No. A/FSS/174 to 177) were similar in nature and the application sites were adjoining to each other, Members agreed to consider the four applications together.

Presentation and Question Sessions

24. Ms. Stephanie P.H. Lai, STP/STN, presented the four applications and covered the following aspects as detailed in the Papers :

- (a) background to the applications;
- (b) the proposed houses (New Territories Exempted Houses (NTEHs) – Small Houses);
- (c) departmental comments – Transport Department (TD) had reservation on the applications on traffic ground. Most of other concerned Government departments had no objection to the applications;
- (d) no public comment was received during the statutory publication period and no local objection was received from the District Officer; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the applications based on the assessment given in paragraph 12 of the Papers. Regarding TD’s concern, it should be noted that two similar applications for Small House development were previously approved in the vicinity of the application site within the same “Green Belt” zone. Sympathetic consideration could be given as most of the concerned Government

departments had no objection to the applications.

25. Members had no question on the applications.

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

Deliberation Session

26. The Chairperson remarked that the proposed Small House developments in the four applications all complied with the interim criteria for assessing planning applications for NTEH/Small House development in the New Territories.

[Mr. Michael K.C. Lai left the meeting temporarily at this point.]

27. After deliberation, the Committee decided to approve the applications, on the terms of the applications as submitted to the Town Planning Board (TPB). Each permission should be valid until 1.2.2012, 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. Each permission was subject to the following conditions :

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

28. The Committee also agreed to advise the applicant :

- (a) to note the Chief Engineer/Development(2), Water Supplies Department (WSD)'s comments that:

- (a) background to the application;
- (b) the proposed House (New Territories Exempted House (NTEH) – Small House);
- (c) departmental comments – Agriculture, Fisheries and Conservation Department did not support the application from agricultural development point of view whilst Transport Department (TD) had reservation on the application on traffic ground. Other concerned Government departments had no objection to the application;
- (d) one public comment was received during the statutory publication period, raising concerns on the zoning of application site and the shortage of recreation area in Hang Tau. The District Officer/North advised that the North District Council (NDC) Member and Village Representatives (VR) of Hang Tau objected to the application and considered that the site should be used for open space and recreation purposes due to shortage of recreation area in Hang Tau. Nevertheless, a VR of Hang Tau, the Vice Chairman of the NDC/Chairman of the Sheung Shui District Rural Committee, and villagers in Hang Tau supported the application as there was insufficient land for Small House development in Hang Tau, and considered that the application site was limited in size for recreation use; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessment given in paragraph 11 of the Paper. Regarding TD’s concern, it should be noted that a total of 27 similar applications for Small House development were previously approved in the vicinity of the application site within the same “Agriculture” zone. Sympathetic consideration could be given as most of the concerned Government departments had no objection to the application. As regards the local concerns, the proposed Small House complied with the Interim Criteria as the footprint of the proposed Small House fell entirely within the

‘Village Environs’ of Hang Tau Village and there was a general shortage of land in meeting the demand for Small House development in the “Village Type Development” zone of the same village.

30. Members had no question on the application.

Deliberation Session

31. The Chairperson remarked that the proposed Small House development complied with the interim criteria for assessing planning applications for NTEH/Small House development in the New Territories.

32. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 1.2.2012, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

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

33. The Committee also agreed to advise the applicant :

- (a) to note the Chief Engineer/Development(2), Water Supplies Department (WSD)’s comments that:
 - (i) the application site was located within WSD flood pumping Water

Gathering Ground associated with River Indus and River Ganges pumping stations;

- (ii) for provision of water supply to the proposed 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;
 - (iii) water mains in the vicinity of the application site could not provide the standard fire-fighting flow; and
- (b) that the permission was only given to the development under application. If provision of an access road was required for the proposed development, the applicant should ensure that such access road (including any necessary filling/excavation of land) complied with the provisions of the relevant statutory plan and obtain planning permission from the TPB where required before carrying out the road works.

[Open Meeting (Presentation and Question Sessions Only)]

- (vi) A/NE-TK/244 Private Garden
in "Village Type Development" and "Green Belt" zones,
Government Land Adjoining Lot 595A in DD 14,
Tung Tsz Village, Tai Po
(RNTPC Paper No. A/NE-TK/244)
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Presentation and Question Sessions

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

- (a) background to the application;
- (b) the private garden;

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

- (c) departmental comments – concerned Government departments had no objection to or no adverse comments on the application;
- (d) no public comment was received during the statutory publication period and no local objection was received from the District Officer; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessment given in paragraph 11 of the Paper. The application site formed part of three previously approved applications (No. A/NE-TK/202, 205 and 238) for private garden to cover the area covered by the approved Short Term Tenancy (STT). In the current application, the applicant had reduced the application site to the approved STT area, plus the paved southern extension. Lands Department had no objection to the application and advised that should the application be approved, the application for amending tenancy conditions would be considered favourably. Furthermore, the use of the application site for garden on a temporary basis would not affect the future use of the land for Small House development. The garden under STT could be terminated for permanent development when required. As such, it was recommended that a temporary approval of 3 years be given so that the "Village Type Development" portion of the application site could be released for Small House development in future and the "Green Belt" portion of the site be reinstated to match with the surrounding green and natural environment.

35. In response to the Chairperson's enquiry on the tree preservation proposal, Dr. Kenneth S.S. Tang, STP/STN said that the applicant did not submit any tree preservation proposal in the previous planning approvals. In the current application, the applicant submitted a tree preservation proposal including preservation of an existing mature tree

which was next to the application site. The Chief Town Planner/Urban Design and Landscape (CTP/UD&L), PlanD considered the tree preservation proposal acceptable.

36. In response to the Chairperson's enquiry on the 9 months' time required for implementation of the tree preservation proposal, Dr. Kenneth S.S. Tang, STP/STN said that a shorter compliance period could be allowed given that the tree preservation proposal had been submitted and accepted by the CTP/UD&L, PlanD. The Secretary pointed out that according to the current practice of the Town Planning Board, a shorter compliance period would be allowed when the applicant failed to comply with the planning condition of previous approval within the time allowed.

Deliberation Session

37. The Secretary indicated that in generally, the compliance period of 9 months should include both submission and implementation of tree preservation proposal. A Member was of the view that a compliance period of 6 months for implementation of tree preservation proposal was reasonable. The Chairperson suggested and Members agreed that the compliance period for implementation of tree preservation proposal in the approval condition (a) be shortened to 6 months.

38. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years up to 1.2.2011, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) the implementation of tree preservation proposal, as proposed by the applicant, within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 1.8.2008;
- (b) if the above planning condition (a) 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 immediately without further notice; and
- (c) 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.

39. The Committee also agreed to advise the applicant :

- (a) that a temporary approval of 3 years was given so that the “Village Type Development” portion of the application site could be released for Small House development in future and the “Green Belt” portion of the site be reinstated to match with the surrounding green and natural environment;
- (b) to avoid disturbance to the *Dimocarpus longan* growing just outside the eastern fence of the site and the vegetated area; and
- (c) that the applicant should apply to the District Lands Officer/Tai Po, Lands Department for amending the tenancy conditions for Short Term Tenancy (STT) (STT No. 1383) to take on board the paved southern extension.

[Open Meeting (Presentation and Question Sessions Only)]

(vii)	A/TP/398	Proposed House (New Territories Exempted House – Small House) in “Green Belt” zone, Lot 340 in DD 32 and Adjoining Government Land, Ha Wong Yi Au, Tai Po (RNTPC Paper No. A/TP/398)
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(viii)	A/TP/399	Proposed House (New Territories Exempted House – Small House) in “Green Belt” zone, Lots 339RP, 345RP and 346RP in DD 32, Ha Wong Yi Au, Tai Po (RNTPC Paper No. A/TP/399)
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40. Noting that the two applications (No. A/TP/398 and 399) were similar in nature and the application sites were adjoining to each other, Members agreed to consider the two

applications together.

Presentation and Question Sessions

41. Dr. Kenneth S.S. Tang, STP/STN, presented the two applications and covered the following aspects as detailed in the Papers :

- (a) background to the applications;
- (b) the proposed Houses (New Territories Exempted Houses (NTEHs) – Small Houses);
- (c) departmental comments – Agriculture, Fisheries and Conservation Department (AFCD) advised that the two application sites were covered with some shrubs and trees and the proposed developments were not in line with the planning intention of the “Green Belt” (“GB”) zone. Transport Department had reservation on the two applications for the reasons that the proposed developments would set an undesirable precedent case for similar applications in the future, and the resulting cumulative adverse traffic impact could be substantial. The Chief Town Planner/Urban Design and Landscape (CTP/UD&L), PlanD objected to the application on the grounds that one existing native tree was found in each of the two applications, and should the applications be approved, it was likely that more planning applications would be submitted for construction of New Territories Exempted House in the “GB” zone pushing the village boundary outward into the green belt and eroding the naturalistic hillside landscape in the area;
- (d) one public comment was received during the statutory publication period, raising concerns on the incompatibility with the planning intention of “GB” zone, degradation of nearby environment, protection of native trees and potential landslide risk of existing slope; and
- (e) the Planning Department (PlanD)’s views – PlanD did not support the

applications based on the assessment and for reasons given in paragraphs 12 and 13.1 of the Papers. The proposed developments were not in line with the planning intention of the “GB” zoning for the area. There was insufficient information in the submissions to justify a departure from this planning intention. The applications did not comply with the Town Planning Board Guidelines for “Application for Development within “GB” zone under section 16 of the Town Planning Ordinance” in that the applications would involve clearance of natural vegetation and affect the existing natural landscape of the surrounding environment. Approval of the applications would set an undesirable precedent for similar applications within the “GB” zone. The cumulative effect of approving these applications would result in further encroachment of green belt area by building developments and a general degradation of the natural environment in the area.

42. In response to the Chairperson’s enquiry on the native trees, Dr. Kenneth S.S. Tang, STP/STN referred Members to Plan A-4 of the Papers and said that as advised by AFCD, the two application sites were covered with some shrubs and trees and the proposed developments were not in line with the planning intention of the “GB” zone.

Deliberation Session

43. The Chairperson said that concerned departments like AFCD, Transport Department and the CTP/UD&L, PlanD objected to/gave adverse comments on the two applications, and there were local concerns on the applications. In this regard, the two applications were not supported. Members agreed.

44. After deliberation, the Committee decided to reject the two applications and the reasons were :

- (a) the proposed development was not in line with the planning intention of the “Green Belt” (“GB”) zoning for the area which was to define 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 within this zone. There was insufficient information in the submission to justify a departure from this planning intention;

- (b) the application did not comply with the Town Planning Board Guidelines for “Application for Development within “GB” zone under section 16 of the Town Planning Ordinance” in that it would involve clearance of natural vegetation and affect the existing natural landscape of the surrounding environment. There was insufficient information in the submission to demonstrate that the proposed development would not have any adverse landscape impacts on the surrounding areas; and
- (c) the approval of the application would set an undesirable precedent for similar applications within the “GB” zone. The cumulative effect of approving such applications would result in further encroachment of green belt area by building development and a general degradation of the natural environment in the area.

[The Chairperson thanked Ms. Stephanie P.H. Lai, STP/STN, and Dr. Kenneth S.S. Tang, STP/STN, for their attendance to answer Members’ enquiries. Ms. Lai and Dr. Tang left the meeting at this point.]

[Mr. Michael K.C. Lai returned to join 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 Applications

[Open Meeting (Presentation and Question Sessions Only)]

- (i) A/SK-HC/157 Temporary Horticulture and Barbecue Site
for a Period of 3 Years in “Green Belt” zone,
Lots 228, 229, 231-235, 237-241, 243-250, 252-259,
261-273, 275- 279, 283, 284 in DD 247
and Adjoining Government Land, Ho Chung, Sai Kung
(RNTPC Paper No. A/SK-HC/157)
-

Presentation and Question Sessions

45. With the aid of a Powerpoint presentation, 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 horticulture and barbecue site for a period of three years;
- (c) departmental comments – Transport Department did not support the application given the remoteness of the application site and the absence of “nearby” public car parks causing illegal parking problem along Ho Chung Road. The Commissioner of Police advised that a complaint on vehicle obstruction in relation to the application site was received, and there were 43 cases of complaints regarding “vehicle obstruction” on Ho Chung Road received in 2006 and 2007. Environmental Protection Department and Water Works Department (WSD) raised concern on/objected to the application on ground of water quality aspect. The Chief Town Planner/Urban Design and Landscape (CTP/UD&L), PlanD raised objection to the application on the grounds that the applied use might cause adverse impact on the existing woodland surrounding the site, and approval of the application would set an undesirable precedent for similar requests;

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

- (d) four public comments were received during the statutory publication period,

raising objection on ground of noise nuisance and adverse environmental, water quality and traffic impacts. The District Officer/Sai Kung had strong reservation on the application as there was local objection from a group of Ho Chung villagers. There was serious traffic congestion at Ho Chung Road during holidays (during such times there were more than 10 coaches carrying visitors for barbecue to and from the application site), and the capacity of the existing Ho Chung Road was not sufficient to support such heavy traffic; and

- (e) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessment and for reasons given in paragraphs 12 and 13.1 of the Paper. The application site was located within the WSD's water gathering grounds (WGG) and was in close vicinity to a stream course. There was insufficient information in the submission to demonstrate that the proposed development would not increase pollution risks to the water quality within the WGG and generate noise nuisances, and the landscape quality of the application site would be improved.

46. Members had no question on the application.

Deliberation Session

47. The Chairperson indicated that the application site fell within "Green Belt" zone and the Planning Authority was currently taking enforcement actions against unauthorized uses in respect of the application site.

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

- (a) the subject site fell within the upper indirect water gathering grounds. There was insufficient information in the submission to demonstrate that the proposed development would not result in contamination to the water gathering grounds;

- (b) the access road leading to the proposed site was substandard and Ho Chung Road was narrow and winding. There was insufficient information in the submission to demonstrate that the proposed development would not result in adverse traffic impact on the local access road;
- (c) the subject site fell within “Green Belt” zone and the barbecue use and related activities might cause adverse impact on the existing woodland surrounding the site, there was insufficient information in the application that the proposed development would not have adverse impact on the landscape quality;
- (d) there was insufficient information in the submission to demonstrate that the proposed development and associated activities would not cause noise nuisances and disturbances to the nearby residents; and
- (e) approval of this application would set an undesirable precedent for similar applications. The cumulative effect of approving such similar applications would result in a general degradation of the natural environment of the area.

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

[Open Meeting (Presentation and Question Sessions Only)]

- (ii) A/SLC/87 Proposed Public Utility Installation
(Submarine Telecommunication Cable)
in “Coastal Protection Area” zone,
Government Land at the Beach to the Southwest of
Tong Fuk Village and Tong Fuk Gazetted Beach, Lantau
(RNTPC Paper No. A/SLC/87)
-

49. The application was submitted by a subsidiary of PCCW Ltd. with Atkins China Ltd. as the consultant for the application. The Committee noted that Dr. Lily Chiang and Dr. James C.W. Lau had declared interests in this item as they had current business dealings with PCCW Ltd. and Atkins China Ltd. respectively. Dr. Chiang had tendered apologies for

being unable to attend the meeting.

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

Presentation and Question Sessions

50. With the aid of a Powerpoint presentation, 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 public utility installation (submarine telecommunication cable);
- (c) departmental comments – concerned Government departments had no objection to the application;
- (d) no public comment was received during the statutory publication period and no local objection was received from the District Officer; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessment given in paragraph 9 of the Paper.

51. Members had no question on the application.

Deliberation Session

52. Mr. Ambrose Cheong said that although an approval condition requiring the applicant to submit and implement the land transport proposal was imposed, the parking and loading/unloading issue as stated in paragraph 7.1.5 of the Paper had to be addressed. In response, the Chairperson said that in order to address Transport Department's (TD) concern, an advisory clause would be added, requiring the applicant to take note of TD's comment on parking and loading/unloading issue. Member agreed.

53. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 1.2.2012, 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 land transport proposal for accessing the application site at Segment 1 to the satisfaction of the Commissioner for Transport or of the TPB; and
- (b) the submission and implementation of marine impact assessment and mitigation measures to address any potential impacts on the marine traffic at the waterways to the northeast of the Soko Islands to the satisfaction of the Director of Marine or of the TPB.

54. The Committee also agreed to advise the applicant :

- (a) to note the Assistant Commissioner for Transport/New Territories, Transport Department's comment in paragraph 7.1.5 of the Paper that the applicant was required to address the parking and loading/unloading issue during the cable installation;
- (b) to note the District Lands Officer/Islands's comment in paragraph 7.1.1 of the Paper that application to his office for processing the case under Foreshore and Sea-Bed (Reclamation) Ordinance and a licence for the cable system was required;
- (c) that prior approval from the Director of Leisure and Cultural Services for carrying out works on Tong Fuk Gazetted Beach had to be obtained;
- (d) to note the Director of Leisure and Cultural Services's comment in paragraph 7.1.7 of the Paper in the provision of precaution measures to ensure the safety of beach goers and his staff; and

- (e) to note the Director of Environment Protection's comments in paragraph 7.1.2 of the Paper that the design, construction and operation of the project should be in accordance with the conditions imposed in the Environmental Permit.

[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.]

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

Tuen Mun and Yuen Long District

[Mr. Wilson Y.L. So, District Planning Officer/Tuen Mun and Yuen Long (DPO/TMYL), Mr. Anthony C.Y. Lee, Senior Town Planner/Tuen Mun and Yuen Long (STP/TMYL), and Miss Paulina Y.L. Kwan, STP/TMYL, were invited to the meeting at this point.]

Agenda Item 6

Section 16 Applications

[Open Meeting (Presentation and Question Sessions Only)]

- (i) A/TSW/41 Proposed Public Vehicle Park
(excluding Container Vehicle) Use (Letting of
Vacant Monthly Parking Spaces to Non-residents)
in "Residential (Group A)" zone,
Car Parking Spaces No. 30-84 on Level 2 and
all Private Car Parking Spaces on Level 3 to 7 of
Commercial/Carpark Block,
Grandeur Terrace, Tin Shui Wai

(RNTPC Paper No. A/TSW/41)

55. The Secretary said that as the application was submitted by the Housing Department, the executive arm of the Hong Kong Housing Authority (HKHA), the following Members had declared interests on this application :

- | | |
|--|--|
| Mrs. Ava S.Y. Ng
as the Director of Planning | - being a member of the Building
Committee and the Strategic Planning
Committee (SPC) of HKHA |
| Mr. C.S. Mills
as the Assistant Director of
Lands Department | - being an assistant to the Director of Lands
who was a member of the HKHA |
| Ms. Margaret Hsia
as the Assistant Director of
Home Affairs Department | - being an assistant to the Director of Home
Affairs who was a member of the SPC and
the Subsidized Housing Committee of the
HKHA |
| Messrs. B.W. Chan
and Y.K. Cheng | - being former HKHA members |

56. The Committee noted that Mr. C.S. Mills and Ms. Margaret Hsia had tendered apologies for being unable to attend the meeting, and Mr. B.W. Chan had already left the meeting.

[The Chairperson and Mr. Y.K. Cheng left the meeting temporarily while the Vice-chairman took over the chairmanship at this point.]

Presentation and Question Sessions

57. 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 public vehicle park (excluding container vehicle) use (letting of vacant monthly parking spaces to non-residents);

- (c) departmental comments – concerned Government departments, including Transport Department, the Commissioner of Police and Environmental Protection Department had no objection to or no adverse comments on the application;
- (d) no public comment was received during the statutory publication period. The District Officer/Yuen Long advised that a member of the Estate Management Advisory Committee (EMAC) of Grandeur Terrace raised objection to the application on ground of security problem; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessment given in paragraph 11 of the Paper. It was recommended that the application be approved on a temporary basis for a period of 3 years so that the applicant could let the car parking spaces with flexibility, while the parking demand of the residents could be reviewed after three years. Regarding the local concern, according to the applicant, the entrances to the Commercial/Carpark block and residential blocks were separated and security guards were also on 24-hour duty at the entrances of the residential blocks. No security and management problem was therefore envisaged. Relevant Government departments had no objection to the application.

58. In response to a Member's enquiry on the review of number of car parking spaces to be let to non-residents, Mr. Wilson Y.L. So, DPO/TMYL, said that an approval condition would be imposed, requiring the applicant to consult Transport Department with a view to identifying the number of vacant car parking spaces to be let to non-residents.

Deliberation Session

59. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years up to 1.2.2011, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the condition that the proposed number of car parking spaces to be let to non-residents, the kinds of vehicles to be allowed for the proposed rental and the type of rental should be agreed with the Commissioner for

Transport.

60. The Committee also agreed to advise the applicant :

- (a) to note the District Lands Officer/Yuen Long's comments that the applicant should apply to his office for a waiver/lease modification prior to implementing the proposal; and
- (b) to note the Chief Building Surveyor/New Territories West, Buildings Department's comments as detailed in paragraph 9.1.4 of the Paper.

[The Chairperson returned to join the meeting at this point.]

[Open Meeting (Presentation and Question Sessions Only)]

- (ii) A/YL-KTN/279 Proposed Residential Development
with Commercial Facilities
and Government, Institution or Community Site
in "Undetermined" zone, Lot 2099 in DD 109
and Adjoining Government Land,
Ha Ko Po Tsuen, Kam Tin, Yuen Long
(RNTPC Paper No. A/YL-KTN/279)
-

61. The application was submitted by a subsidiary of Sun Hung Kai Properties Ltd. (SHK). The Committee noted that Messrs. Y.K. Cheng and Alfred Donald Yap had declared interests in this item as they had current business dealings with SHK. Nevertheless, the applicant had requested to defer consideration of the application. Mr. Yap had tendered apologies for being unable to attend the meeting and Mr. Cheng could be allowed to stay in the meeting.

Presentation and Question Sessions

62. The Committee noted that on 25.1.2008, the applicant requested for deferment of the consideration of the application to allow time to resolve the outstanding adverse departmental comments for the proposed use.

Deliberation Session

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

[Open Meeting (Presentation and Question Sessions Only)]

(iii) A/YL-KTN/284 Proposed House
(New Territories Exempted House – Small House)
in “Village Type Development” and “Agriculture” zones,
Lot 64A in DD 109, Shui Tau Tsuen, Yuen Long
(RNTPC Paper No. A/YL-KTN/284)

(iv) A/YL-KTN/285 Proposed House
(New Territories Exempted House – Small House)
in “Village Type Development” and “Agriculture” zones,
Lot 64B in DD 109, Shui Tau Tsuen, Yuen Long
(RNTPC Paper No. A/YL-KTN/285)

(v) A/YL-KTN/286 Proposed House
(New Territories Exempted House – Small House)
in “Agriculture” zone,
Lot 64C in DD 109, Shui Tau Tsuen, Yuen Long
(RNTPC Paper No. A/YL-KTN/286)

64. Noting that the three applications (No. A/YL-KTN/284 to 286) were similar in nature and the application sites were adjoining to each other, Members agreed to consider the three applications together.

Presentation and Question Sessions

65. Miss Paulina Y.L. Kwan, STP/TMYL, informed that further comments from the District Officer/Yuen Long on the three applications were received and tabled at the meeting for Members' reference. Miss Kwan, then presented the applications and covered the following aspects as detailed in the Papers :

- (a) background to the applications;
- (b) the proposed Houses (New Territories Exempted House (NTEHs) – Small Houses);
- (c) departmental comments – Agriculture, Fisheries, and Conservation Department had reservation on the applications as the sites were graded as “good” according to the categorization of agricultural land. There was active agricultural life adjacent to the sites and the potential of the sites for agricultural rehabilitation was high. The sites were also in the vicinity of Buffalo Field, a site well known to be used by a number of bird species;
- (d) no public comment was received during the statutory publication period and no local objection was received from the District Officer; and
- (e) the Planning Department (PlanD)'s views – PlanD did not support the applications based on the assessment and for reasons given in paragraphs 12 and 13.1 of the Papers. The proposed developments were not in line with the planning intention of the “Agriculture” zone. The applications did not comply with the Interim Criteria for assessing planning applications for New Territories Exempted House/Small House development in that the sites fell outside the “Village Environs” for Shui Tau and Shui Mei Tsuen. According to LandsD, there was no shortage of land in the “Village Type Development” zone for Shui Tau and Shui Mei Tsuen to meet the demand for Small House development. The proposed Small Houses were incompatible with the surrounding environment which was mostly

undeveloped and consisted of landscape features.

66. Members had no question on the applications.

Deliberation Session

67. The Chairperson remarked that the proposed Small House developments in the three applications did not comply with the interim criteria for assessing planning applications for NTEH/Small House development in the New Territories.

68. After deliberation, the Committee decided to reject Applications No. A/YL-KTN/284 to 286, and each for the following reasons :

- (a) the proposed development did not comply with the 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;
- (b) the proposed development did not comply with the Interim Criteria for assessing planning applications for New Territories Exempted House/Small House development in that insufficient 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
- (c) the proposed development was incompatible with the surrounding rural area. There was insufficient information/technical assessment in the submission to demonstrate that the development would not generate adverse landscape and ecological impacts on the surroundings.

[Open Meeting (Presentation and Question Sessions Only)]

- (vi) A/YL-KTN/288 Proposed Temporary Warehouse
for Furniture and Accessories for a Period of 3 Years
in “Other Specified Uses” annotated “Railway Reserve”
and “Industrial (Group D)” zones,
Lot 1733RP in DD 107, Yuen Long
(RNTPC Paper No. A/YL-KTN/288)
-

Presentation and Question Sessions

69. Miss Paulina Y.L. Kwan, 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 furniture and accessories for a period of 3 years;
- (c) departmental comments – Environmental Protection Department (EPD) did not support the application as there were sensitive receivers nearby. Other concerned Government departments had no objection to the application;
- (d) three public comments were received during the statutory publication period, raising concerns on the adverse traffic safety, drainage and environmental impacts on the surrounding areas. The District Officer/Yuen Long advised that he received a verbal local objection to the application on the ground of poor environmental situation in the vicinity; and

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

- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessment given in paragraph 11 of the Paper. The proposed development was considered not incompatible with the surrounding areas which were mixed with open storage uses, agricultural

land and residential dwellings. Regarding EPD's and the local concerns, approval conditions restricting the operation hours, and prohibiting workshop activities and heavy goods vehicles in the operation of the site would be imposed to address environmental concerns. A shorter planning permission period of 1 year was recommended so as to monitor the situation on site.

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 1 year up to 1.2.2009, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no heavy vehicles, i.e. over 24 tonnes, were allowed for the operation of the site at any time during the planning approval period;
- (b) no vehicle dismantling, maintenance, repairing, cleansing, paint spraying and other workshop activities should be carried out at the site at any time during the planning approval period;
- (c) no operation between 6:30 p.m. and 8:30 a.m., as proposed by the applicant, was allowed on the site during the planning approval period;
- (d) no operation on Sundays and public holidays was allowed on the site during the planning approval period;
- (e) the 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 1.5.2008;
- (f) in relation to (e) above, the implementation of drainage proposals within 6 months from the date of planning approval to the satisfaction of the

Director of Drainage Services or of the TPB by 1.8.2008;

- (g) the submission of landscape proposals within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 1.5.2008;
- (h) in relation to (g) above, the implementation of landscape proposals within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 1.8.2008;
- (i) the submission of emergency vehicular access, water supply for fire fighting and 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 1.5.2008;
- (j) in relation to (i) above, the implementation of emergency vehicular access, water supply for fire fighting and 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 1.8.2008;
- (k) if any of the above planning conditions (a), (b), (c) or (d) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice; and
- (l) if any of the above planning conditions (e), (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.

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

73. 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 on site;
- (b) to note the District Lands Officer/Yuen Long, Lands Department's comments that an unauthorised structure was erected on the site. In this connection, his office reserved the right to take enforcement action against these irregularities. The applicant should apply for Short Term Waiver (STW) to regularise the irregularities on site. However, there was no guarantee that the application for the STW would be approved/considered by this office. Should no STW application be received/approved and the irregularities persist on site, his office would consider taking appropriate lease enforcement action against the registered owners/occupier;
- (c) to note the Assistant Commissioner for Transport/New Territories, Transport Department's comments that the land status of the proposed access between the site and San Tam Road, and the management and maintenance responsibility of the access leading to the site from San Tam Road should be checked;
- (d) to note the Chief Highway Engineer/New Territories West, Highways Department's comments that his office was not responsible for the maintenance of any existing vehicular access connecting the site and San Tam Road;
- (e) to note the Chief Engineer/Railway(1), Railway Development Office, Highways Department's comments that the Mass Transit Railway Corporation Limited would divert/reconstruct the access road, if required, during the construction of the Northern Link;
- (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” to alleviate any potential environmental nuisance;

- (g) to note the Director of Fire Services’s comments that detailed fire safety requirements would be formulated upon receipt of formal submission of general building plans. Furthermore, the emergency vehicular access provision in site should comply with the standard as stipulated in the Part VI of the Code of Practice for Means of Access for Firefighting and Rescue under the Building (Planning) Regulation (B(P)R) 41D;
- (h) to note the Chief Building Surveyor/New Territories West, Buildings Department’s comments that the granting of planning approval should not be construed as condoning to any structures existing on the site under the Buildings Ordinance (BO) and the allied regulations. Actions appropriate under the said Ordinance or other enactment might be taken if contravention was found. Formal submission of any proposed new works including any temporary structure for approval under the BO was required. If the site was not abutting on a street having a width of not less than 4.5m, the development intensity should be determined under B(P)R 19(3) at building plan submission stage; and
- (i) to note the Director of Electrical and Mechanical Services’s comments that no new building or structure should be allowed within the 50m working corridor of the concerned 400kV overhead lines. In case any proposed building or structure was to be constructed within the corridor, agreement from the Electrical and Mechanical Services Department and CLP Power Hong Kong Limited (CLPP) should be sought before commencement of the construction work. CLPP should be consulted whenever there was scaffolding, crane and hoist or any other lifting equipment operated in the vicinity of the concerned overhead lines. In any time during and after construction, CLPP should be allowed to get access to the 50 metres working corridor area of the concerned 400kV overhead lines for carrying out any operation, maintenance and repair work including tree trimming. The contractor should liaise with CLPP to divert the existing high voltage (11kV) and low voltage (380V) overhead lines and/or underground cables

prior to establishing any structures within the site as appropriate. The 'Code of Practice on Working near Electricity Supply Lines' established under the Electricity Supply Lines (Protection) Regulation should be observed by the concerned parties when carrying out works in the vicinity of electricity supply lines.

[Open Meeting (Presentation and Question Sessions Only)]

- (vii) A/YL-KTS/412 Temporary Open Storage and Assembly of Internal Equipment and Installations (Seats and Electronic Circuits) of Public and Franchised Buses for a Period of 3 Years in "Residential (Group D)" zone, Lots 1318(Part) and 1321(Part) in DD 106, Kong Ha Wai, Kam Sheung Road, Pat Heung, Yuen Long (RNTPC Paper No. A/YL-KTS/412)
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Presentation and Question Sessions

74. Miss Paulina Y.L. Kwan, STP/TMYL, informed that further comments from the District Officer/Yuen Long were received and tabled at the meeting for Members' reference. Miss Kwan, then presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the temporary open storage and assembly of internal equipment and installations (seats and electronic circuits) of public and franchised buses for a period of 3 years;
- (c) departmental comments – Environmental Protection Department (EPD) did not support the application as there were sensitive receivers in the vicinity and to the northwest of the site, and environmental nuisance was expected;

- (d) one public comment was received during the statutory publication period, raising concern on traffic safety problem. The District Officer/Yuen Long advised that he received the same public comment which was tabled at the meeting; and
- (e) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessment and for reasons given in paragraphs 12 and 13.1 of the Paper. The development was not compatible with the surrounding land uses which were predominantly rural in character with cultivated agricultural land and residential dwellings to the south and west of the site. The development was not in line with the planning intention of the “Residential (Group D)” zone, and approval of the application, even on a temporary basis, would set an undesirable precedent. The application did not comply with the Town Planning Board Guidelines No. 13D in that there was no previous approval granted at the site and there were adverse comments from EPD and the local. There was insufficient information to demonstrate that the proposed development would not generate adverse drainage, landscaping and environmental impacts on the surrounding areas.

75. Members had no question on the application.

Deliberation Session

76. The Chairperson said that the development was not in line with the planning intention of the “Residential (Group D)” zone.

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

- (a) the development was not in line with the planning intention of the “Residential (Group D)” (“R(D)”) zone which was primarily for improvement and upgrading of existing temporary structures within the rural areas through redevelopment of existing temporary structures into permanent buildings, and for low-rise, low-density residential

developments subject to planning permission from the Town Planning Board. No strong justification had been given in the submission for a departure from the planning intention, even on a temporary basis;

- (b) the application did not comply with the Town Planning Board Guidelines No. 13D in that there was no previous approval granted at the site and there was adverse comment from Government department;
- (c) there was insufficient information to demonstrate that the proposed development would not generate adverse drainage, landscaping and environmental impacts on the surrounding areas; and
- (d) the approval of the application, even on a temporary basis, would set an undesirable precedent for similar applications within the “R(D)” zone. The cumulative effect of approving such applications would result in a general degradation of the rural environment of the area.

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

[Open Meeting (Presentation and Question Sessions Only)]

- (viii) A/YL-PH/555 Temporary Open Storage of Construction Machinery (Electricity Generator), Vehicle Parts and Container for Storage of Plastic Barriers for a Period of 3 Years in “Residential (Group D)” and “Agriculture” zones, Lots 2887(Part), 2888 and 2901 in DD 111, Wang Toi Shan, Pat Heung, Yuen Long
(RNTPC Paper No. A/YL-PH/555)
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[Dr. James C.W. Lau left the meeting temporarily at this point.]

Presentation and Question Sessions

78. Miss Paulina Y.L. Kwan, 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 machinery (electricity generator), vehicle parts and container for storage of plastic barriers for a period of 3 years;
- (c) departmental comments – Environmental Protection Department (EPD) did not support the application as there were scattered houses in the vicinity of the site and along the access road, and environmental nuisance was expected. Agriculture, Fisheries and Conservation Department (AFCD) did not favour the application as the agricultural life in the vicinity of the site was active and the potential of the site for agricultural rehabilitation was high. Other concerned Government departments had no objection to the application;
- (d) no public comment was received during the statutory publication period and no local objection was received from the District Officer; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessment given in paragraph 12 of the Paper. The application site was the subject of three previously approved applications (No. A/YL-PH/296, 375 and 392). The development was considered not incompatible with the surrounding land uses which were a mixture of various open storage uses. The development generally complied with the Town Planning Board Guidelines on Application for Open Storage and Port Back-up Uses (TPB PG-No.13D). Regarding EPD's concerns, approval conditions prohibiting workshop activities and restricting the operation hours would be imposed. As regards AFCD's concerns, given the development history of the site and only a relatively small portion of the site fell within the "Agriculture" ("AGR") zone, it was considered that the approval of the application on a temporary basis for a period of 3 years would not frustrate the planning intention of the "AGR" zone. There were also approved applications for similar open storage uses

in the vicinity of the site.

79. Members had no question on the application.

Deliberation Session

80. Noting that the two application sites (i.e. this application and the preceding application (No. A/YL-KTS/412)) fell within Category 3 areas according to the Town Planning Board Guidelines on Application for Open Storage and Port Back-up Uses (TPB PG-No.13D), a Member asked why PlanD had different views on the two applications. In reply, Mr. Wilson Y.L. So, DPO/TMYL explained that according to the TPB PG-No.13D, both sites fell within Category 3 areas, in which applications would normally not be favourably considered unless the applications were on sites with previous planning approvals; all approval conditions had been complied with; and there were no adverse departmental comments and local objections.

81. Mr. Wilson Y.L. So continued to say that PlanD did not support the preceding application No. A/YL-KTS/412 for the reasons that there was no previous approval granted at the site; the surrounding land uses were predominantly rural in character with cultivated agricultural land and residential dwellings to the south and west of the site; and there were adverse departmental comments and local objection. As for this case, given that there were previous approvals for similar uses on site; all the approval conditions attached to the previous approval (Application No. A/YL-PH/392) had been complied with; no local objection had been received against the application; and the development was not expected to cause significant adverse environmental, traffic, drainage or landscape impacts on the surrounding areas, PlanD had no objection to this application.

82. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years up to 1.2.2011, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) 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;

- (b) no night time operation between 6:00 p.m. and 9:00 a.m. on Mondays to Saturdays, as proposed by the applicant, was allowed on the site during the planning approval period;
- (c) no operation on Sundays and public holidays was allowed on the site during the planning approval period;
- (d) the drainage facilities implemented on the application site (under Application No.A/YL-PH/392) should be maintained at all times during the planning approval period;
- (e) the submission of tree preservation proposals within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 1.8.2008;
- (f) in relation to (e) above, the implementation of tree preservation proposals within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 1.11.2008;
- (g) if any of the above planning conditions (a), (b), (c) or (d) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (h) if any of the above planning conditions (e) or (f) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and
- (i) upon 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.

83. The Committee agreed to remind the applicant that :

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

84. The Committee also agreed to advise the applicant :

- (a) to resolve any land issues relating to the development with concerned owners of the site;
- (b) to note the District Lands Officer/Yuen Long's comments that no structures were allowed to be erected without prior approval from his office. A recent site inspection revealed that unauthorised structures were erected on the site. Further, a small piece of Government land was also occupied within the existing site boundary. In this connection, his office reserved the right to take enforcement/control action against these irregularities. The applicant should apply for Short Term Waiver (STW)/Short Term Tenancy (STT) to regularise the irregularities on site. Should no STW/STT application be received/approved and the irregularities persist on site, his office would consider taking appropriate lease enforcement/control action against the concerned registered owners/occupiers. However, there was no guarantee that the application for the STW/STT would be approved/considered by his office;
- (c) to note the Assistant Commissioner for Transport/New Territories, Transport Department's comments that the land status of the proposed access between the site and Kam Tin Road should be checked. The management and maintenance responsibility of the access leading to the site from Kam Tin Road should be checked;

- (d) to note the Chief Highway Engineer/New Territories West, Highways Department (HyD)'s comments that HyD was not/should not be responsible for the maintenance of any existing vehicular access connecting the site and Kam Tin Road;
- (e) to follow the latest 'Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites' issued by Environmental Protection Department for implementation of appropriate mitigation measures;
- (f) to note the Director of Fire Services's 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 services 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;
- (g) to 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) to note the Director of Electrical and Mechanical Services's comments that the "Code of Practice on Working near Electricity Supply Lines" established under the Electricity Lines (Protection) Regulation should be observed by the applicant and his contractors when carrying out works in the vicinity of the electricity supply lines. Prior to establishing any structure within the site, the applicant and/or his contractors should liaise

with CLP Power Hong Kong Limited to divert the overhead lines away from the vicinity of the proposed structure.

[Open Meeting (Presentation and Question Sessions Only)]

- (ix) A/YL-TT/219 Temporary Place of Recreation (Indoor Radio Control Model Car Playing Ground) for a Period of 3 Years in “Other Specified Uses” annotated “Rural Use” zone, Lots 692A(Part), 692B(Part), 694(Part), 695(Part), 696(Part), 733(Part), 735(Part) and Adjoining Government Land in DD 117, Tai Tong, Yuen Long
(RNTPC Paper No. A/YL-TT/219)
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85. Dr. James C.W. Lau had declared an interest on this item as he had current business dealings with Top Bright Consultants Ltd., which was the consultant for the application. The Committee noted that Dr. Lau had left the meeting temporarily.

Presentation and Question Sessions

86. Miss Paulina Y.L. Kwan, STP/TMYL, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the temporary place of recreation (indoor radio control model car playing ground) for a period of 3 years;
- (c) departmental comments – Environmental Protection Department advised that there was one complaint against the site concerning noise nuisance received in 2007. Transport Department advised that the approval of the application might set an undesirable precedent for other similar applications in the surrounding areas;

- (d) no public comment was received during the statutory publication period. Planning Department had received three complaints from Yuen Long District Council members in May 2007 against the development mainly on environmental and traffic grounds; and
- (e) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessment and for reasons given in paragraphs 12 and 13.1 of the Paper. The proposed development was not in line with the planning intention of the “Other Specified Uses” annotated “Rural Use” (“OU(RU)”) zone. Approval of the application might set an undesirable precedent for other similar applications in the surrounding areas. The development was considered not compatible with the surrounding rural land uses. There were also residential dwellings located in close proximity to the site to the east. The structure found on site, with a covered area of about 1,759m², would amount to a plot ratio of 0.56. The intensity of the development, when compared with the plot ratio restriction of the “OU(RU)” zone of 0.4, was considered excessive.

87. In response to the Chairperson's enquiry, Mr. Wilson Y.L. So, DPO/TMYL said that there was no information concerning the time for erection of the structure found on site. Nevertheless, according to the site inspection conducted by the staff, it was a new and warehouse-like structure. Structures found in the rural area were generally used for agricultural use like pigsties or chicken sheds.

Deliberation Session

88. The Chairperson said that there were many complaints against the development on ground of noise nuisance.

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

- (a) the proposed development was not in line with the planning intention of the “Other Specified Uses” annotated “Rural Use” (“OU(RU)”) zone which

was intended primarily for the preservation of the character of the rural area. No strong justification had been given in the submission for a departure from the planning intention, even on a temporary basis;

- (b) the proposed development was not compatible with the surrounding rural land uses with mainly residential structures and fallow agricultural land;
- (c) the development intensity was excessive as compared to the development restriction for the “OU(RU)” zone;
- (d) there was insufficient information in the submission to demonstrate that the proposed development would not generate adverse traffic impacts on the surrounding areas; and
- (e) approval of the application would set an undesirable precedent for other similar uses to proliferate into the “OU(RU)” zone. The cumulative effect of approving such applications would result in a general degradation of the environment of the area.

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

[Open Meeting (Presentation and Question Sessions Only)]

- (x) A/YL-TYST/366 Proposed House and Minor Relaxation of Plot Ratio in “Residential (Group B)1”, “Government, Institution or Community” and “Green Belt” zones,
Lot 2131 in DD 121,
Tong Yan San Tsuen, Yuen Long
(RNTPC Paper No. A/YL-TYST/366)
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Presentation and Question Sessions

90. With the aid of a Powerpoint presentation, Miss Paulina Y.L. Kwan, STP/TMYL, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed house and minor relaxation of plot ratio in “Residential (Group B)1” (“R(B)1”) zone. In order to bring further assurance in the noise quality environment of the “R(B)1” zone including the proposed development, the applicant also proposed to rezone the portion of the “Industrial (Group D)” (“I(D)”) within a 100m perimeter of the “R(B)1” zone to “I(D)1” and to move four noise generating uses from Column 1 to Column 2 in the proposed “I(D)1” zone;
- (c) departmental comments – Environmental Protection Department (EPD) raised concerns on the industrial/residential (I/R) interface problem arising from the nearby industrial uses. The proposed noise barrier walls would cause other undesirable effects such as aesthetic, air ventilation and maintenance problems. The environmental acceptance of the proposed development would depend very much on whether the applicant’s proposed rezoning from “I(D)” to “I(D)1” and moving of the four noise generating uses from Column 1 to Column 2 in the proposed “I(D)1” zone could be materialised. Such approach was generally supported by EPD. The Chief Town Planner/ Urban Design and Landscape (CTP/UD&L), PlanD had reservations on this application from the landscape planning point of view. The proposed noise barrier walls ranging from 3.5m to 23m would cause adverse visual and landscape impacts and undesirable living environment to both the future residents and the surrounding environment. Other concerned Government departments had no objection to the application;
- (d) a total of four public comments on the application and further information on the application were received during the statutory publication period, raising concerns on the calculation of plot ratio on the “Government, Institution or Community” (“G/IC”) and “Green Belt” (“GB”) zones of the site, possible adverse traffic, visual, ventilation and environmental impacts of the development, proposed use of the site and provision of community

facilities; and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessment given in paragraph 11 of the Paper. The current application mainly proposed revision to an approved scheme under Application No. A/YL-TYST/310 with minor relaxation of plot ratio restriction from 1 to 1.0475 for the “R(B)1” portion of the site. Same as the approved scheme, a major part of the application site was zoned “R(B)1” (about 95% of total site area) with only very minor portions falling within areas zoned “G/IC” and “GB”. The approach on the rezoning from “I(D)” to “I(D)1” and moving of the four noise generating uses from Column 1 to Column 2 in the proposed “I(D)1” zone as proposed by the applicant was generally supported by EPD. It was considered that the proposal was a reasonable and practicable way to address the I/R interface problem. Consequential amendments to Outline Zoning Plan to be submitted to the Committee for consideration would be required should the application be approved. Regarding the CTP/UD&L, PlanD's concerns, it was considered that there was scope to improve the design and layout of the development including a reduction in the height of the houses and of the proposed noise barrier walls as well as the visual/landscape treatment of the noise barrier walls. Appropriate approval condition would be imposed to address the concerns. As regards the local objections, the relaxation of plot ratio restriction from 1 to 1.0475 was considered minor, and appropriate approval conditions would be imposed to address the visual and traffic concerns.

91. Members had no question on the application.

Deliberation Session

92. A Member considered the proposed noise barrier walls undesirable. In response, the Chairperson said that appropriate approval condition would be imposed, requiring the applicant to improve the design and layout of the proposed development as well as the design and visual treatment of the noise barrier walls. Regarding the rezoning from “I(D)” to

“I(D)1” and moving of the four noise generating uses from Column 1 to Column 2 in the proposed “I(D)1” zone as proposed by the applicant, consequential amendments to Outline Zoning Plan would be submitted to the Committee for consideration in due course.

93. 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 1.2.2012, 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 design and layout, including building height, of the proposed development as well as the design and visual treatment of the noise barrier walls to the satisfaction of the Director of Planning or of the TPB;
- (b) the submission and implementation of landscape master plan to the satisfaction of the Director of Planning or of the TPB;
- (c) the submission of a traffic impact assessment and implementation of mitigation measures identified therein to the satisfaction of the Commissioner for Transport or of the TPB;
- (d) the design and provision of vehicular access and vehicle parking and loading/unloading facilities to the satisfaction of the Commissioner for Transport or of the TPB; and
- (e) the design and provision of emergency vehicular access (EVA), water supplies for fire-fighting and fire service installations to the satisfaction of the Director of Fire Services or of the TPB.

94. The Committee also agreed to advise the applicant :

- (a) to note the District Lands Officer/Yuen Long, Lands Department’s comments that according to the current scheme, the numbers of housing block, residential unit and car parking space were noted to be different

from that as shown and marked on the Master Layout Plans (MLPs) which were approved by his office on 31.1.2007. In this regard, the applicant should submit the revised MLPs to his office for consideration. Moreover, the landscape submission, which was approved by his office on 21.2.2007, was based on the approved MLPs. As he understood, tree felling had been carried by the applicant after obtaining the approval of the landscape submission. In this regard, the applicant was required to submit the revised landscape submission for consideration under lease as soon as possible. Moreover, noting that the proposed noise barrier walls were rather tall and not proportional to the height of the house blocks, the applicant should submit building plans for the noise barrier walls to his office for consideration and approval under the Design and Disposition Clause of the lease conditions for the subject lot;

- (b) to note the Chief Building Surveyor/New Territories West, Buildings Department's comments that the proposed access road of not less than 4.5m wide leading from Tong Yan San Tsuen Road to the site should be completed prior to the application of Occupation Permit. The application site would be considered as two separate sites (i.e. Site A and Site B). Each site should be independently calculated for the purpose of plot ratio (PR) and site coverage (SC) calculations and be self-sustainable under the Buildings Ordinance (BO). In view of the size of the site, area of any internal streets/roads required under section 16(1)(p) of the BO should be deducted from the site area for the purpose of PR and SC calculations under the BO. The resident clubhouse was accountable for gross floor area (GFA) calculation under the BO, unless otherwise exempted. The GFA of the proposed resident clubhouse at Site B should not exceed 5% of the total domestic GFA of Site B. Notwithstanding any noise mitigation measures (e.g. noise barrier walls), the prescribed windows for habitable rooms and kitchens provided in the development should comply with the requirements as stipulated in Part IV of Building (Planning) Regulations (B(P)Rs). The proposed vertical acoustic fins of 2.2m to 3m long were accountable for GFA and SC calculations under the BO, unless otherwise exempted under Joint Practice Notes No. 1 (JPN1). EVA should be

provided to all buildings under B(P)R 41D. Detailed consideration would be made at the building plan submission stage;

- (c) that in view of the Chief Building Surveyor/New Territories West, Buildings Department's comments above, the approval of this application did not imply that the proposed GFA of 24,410m² and PR of 1.0475 of the development and a resident clubhouse of 1,220.5m² on Site B could be achieved ultimately. The proposed development must also conform to any other relevant legislation, the conditions of the Government lease concerned, and any other Government requirements, as might be applicable;

- (d) to note the Assistant Commissioner for Transport/New Territories, Transport Department (TD)'s comments that parking (including car and motorcycle parking)/parking for persons with disabilities and loading/unloading provisions and their headrooms should comply with the latest revised Hong Kong Planning Standards and Guidelines (HKPSG) and the applicant should elaborate how the vehicle parking and loading/unlading provisions were in accordance with the HKPSG. The submission did not indicate clearly the arrangement of vehicular access to the site from Tong Yan San Tsuen Road and clarification was needed. The land status of the road/path/track should be checked with the lands authority; the management and maintenance responsibilities of the same road/path/track should be clarified and the relevant lands and maintenance authorities should be consulted accordingly. With regard to the road/paths/tracks leading to and adjacent to the site, it was considered that reference should be made to the latest Tong Yan San Tsuen South – Layout Plan No. L/YL-TS/2 prepared by Planning Department where appropriate. Views from other relevant departments, such as the Civil Engineering and Development Department, should be sought in relation to the details of the planned road improvement/road projects in the vicinity of/affecting the site. Whether the existing and proposed road facilities including footways, pedestrian crossings, etc., in vicinity of the proposed development were adequate for the commuting of the locals, future occupants, etc., should be

assessed and advised;

- (e) to note the Chief Highway Engineer/New Territories West, Highways Department's comments that his office would not design, construct or maintain the noise barriers;
- (f) to note the Director of Environmental Protection's comments that the applicant and his consultant should ensure all the sensitive receivers facades were provided with the necessary barriers or fins to screen off their line of sight from the industrial sources. The applicant was also reminded to obtain TD's confirmation on the validity of the traffic forecast; to reveal the noise mitigation measure purpose of the noise barrier walls in their sales brochure so as to keep the potential flat purchaser duly informed; and to note that the licensing process for the concrete batching plants did not cover the industrial noise issue. In fact, industrial noise activities of the concrete batching plant like other typical industrial processes were controlled under the Noise Control Ordinance but not by a licensing process;
- (g) to 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 EVA provision on the site should comply with the standard as stipulated in Part VI of the Code of Practice for Means of Access for Firefighting and Rescue under B(P)R 41D;
- (h) to give due considerations to adopt landscaped earth mounds or incorporate planting strips along the proposed noise barriers for screening them on two sides, and to setback the development for providing landscape buffers in front of the noise barriers to realise the images of tree and shrub plantings in front of the barriers as shown in the photomontage; and
- (i) to note the Director of Electrical and Mechanical Services' comments that based on the information provided by CLP Power Hong Kong Limited (CLPP), there were 11kV and low voltage (LV) overhead lines as well as

11kV and LV underground cables within and in the vicinity of the site. The ‘Code of Practice on Working near Electricity supply Lines’ established under the Electricity Supply Lines (Protection) Regulation should be observed by the applicant and his contractors when carrying out works in the vicinity of electricity supply lines. Prior to establishing any structure in the vicinity of electricity supply lines, the applicant and/or his contractors should consult CLPP and ask CLPP to divert the supply lines away from the vicinity of the proposed structure.

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

[Open Meeting (Presentation and Question Sessions Only)]

- (xi) A/YL-TYST/380 Proposed Temporary Warehouse for Storage of Construction Materials for a Period of 3 Years in “Undetermined” zone, Lots 1492, 1493B and 1493RP in DD 119 and Adjoining Government Land, Tong Yan San Tsuen, Yuen Long
(RNTPC Paper No. A/YL-TYST/380)
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Presentation and Question Sessions

95. Miss Paulina Y.L. Kwan, STP/TMYL, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed temporary warehouse for storage of construction materials for a period of 3 years;
- (c) departmental comments – Environmental Protection Department (EPD) did not support the application as there were sensitive receivers located to the north and south and in the vicinity of the site, and environmental nuisance

was expected. Other concerned Government departments had no objection to the application;

- (d) one public comment was received during the statutory publication period, raising objection to the application on the ground that warehouse developments would spoil the rural residential character of the area; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessment given in paragraph 11 of the Paper. Regarding EPD's and local concerns, approval conditions restricting the operation hours and type of vehicles used, prohibiting workshop activities and requiring the maintenance of the existing boundary fence would be imposed.

96. Members had no question on the application.

Deliberation Session

97. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years up to 1.2.2011, 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 7 p.m. and 7 a.m., as proposed by the applicant, was allowed on the application site during the planning approval period;
- (b) no operation on Sundays or public holidays, as proposed by the applicant, was allowed during the planning approval period;
- (c) no open storage, repairing, dismantling and workshop activities should be carried out on the application site at any time during the planning approval period;
- (d) no heavy vehicles, i.e. over 24 tonnes, were allowed for the operation of the

application site at any time during the planning approval period;

- (e) the existing boundary fence on the application site should be maintained at all times during the planning approval period;
- (f) the submission of vehicular run-in proposal within 6 months from the date of planning approval to the satisfaction of the Director of Highways or of the TPB by 1.8.2008;
- (g) in relation to (f) above, the provision of vehicular run-in within 9 months from the date of planning approval to the satisfaction of the Director of Highways or of the TPB by 1.11.2008;
- (h) the submission of landscape proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 1.8.2008;
- (i) in relation to (h) above, the implementation of landscape proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 1.11.2008;
- (j) 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 1.8.2008;
- (k) in relation to (j) above, the implementation of drainage facilities within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 1.11.2008;
- (l) the submission of fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 1.8.2008;
- (m) in relation to (l) 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 1.11.2008;

- (n) 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;
- (o) if any of the above planning conditions (f), (g), (h), (i), (j), (k), (l) or (m) 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
- (p) 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.

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

99. 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 District Lands Officer/Yuen Long, Lands Department's comments that some unauthorised structures including converted containers were found erected on the site and Government land within the site was occupied without approval from his office. Short Term Waiver (STW) and Short Term Tenancy (STT) should be applied for to regularise the irregularities on site. However, there was no guarantee that the application for STW/STT would ultimately be approved. Should no STW/STT application be received/approved and the irregularities persist on site, his office would consider taking appropriate lease enforcement/control

action against the concerned registered owner/occupier;

- (c) to note the Assistant Commissioner for Transport/New Territories, Transport Department's comments that the land status of the road/path/track leading to the site should be checked with the lands authority. The management and maintenance responsibilities of the same road/path/track should be clarified and the relevant lands and maintenance authorities should be consulted accordingly;
- (d) to note the Chief Highway Engineer/New Territories West, Highways Department (HyD)'s comments that the vehicular run-in to be constructed at the access point should be in accordance with the latest version of HyD Standard Drawings No. H1113 and H1114 or H5115 and H5116 whichever set as appropriate to suit the type of pavement of adjacent footpath, and his office did not maintain the short access track between the site and Kung Um Road beyond back of footpath;
- (e) to follow the latest 'Code of Practice on Handling Environmental Aspects of Open Storage and Temporary Uses' issued by Environmental Protection Department;
- (f) to note that the submitted landscape proposal was not acceptable as the height of the proposed trees when first planted in ground was less than 2.75m. Reference should be made to the TPB Technical Notes on "Submission and Implementation of Landscape Proposal for Compliance with Conditions for Approved Applications for Open Storage and Port Back-up Uses under Section 16 of the Town Planning Ordinance" when preparing the landscape submission for compliance with approval condition;
- (g) to note the Director of Fire Services' comments that detailed fire safety requirements would be formulated upon receipt of formal submission of general building plans. In consideration of the design/nature of the proposed structures, fire service installations (FSIs) were anticipated to be

required. The applicant was advised to submit relevant building plans 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). In formulating the FSIs proposal, the applicant was advised to follow the spirit of paragraph 4.29 “Industrial/ Godown Buildings - Low Rise” of the current version of the Codes of Practice for Minimum Fire Service Installations and Equipment;

- (h) to note the Chief Building Surveyor/New Territories West, Buildings Department’s comments that any unauthorised building works carried out on the site were subject to enforcement action under section 24 of the BO. The granting of planning approval should not be construed as condoning to any unauthorised structures existing on the site under the BO and the allied regulations. Actions appropriate under the said Ordinance or other enactment might be taken if contravention was found. Formal submission of any proposed new works, including any temporary structures, 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 under Building (Planning) Regulation 19(3) at the building plan submission stage. Emergency vehicular access provision under Building (Planning) Regulation 41(D) was also applicable; and
- (i) to note the Director of Electrical and Mechanical Services’ comments that based on the information provided by CLP Power Hong Kong Limited (CLPP), there were low voltage overhead lines and 11kV overhead pole within and in the vicinity of the site. The ‘Code of Practice on Working near Electricity Supply Lines’ established under the Electricity Supply Lines (Protection) Regulation should be observed by the applicant and his contractors when carrying out works in the vicinity of electricity supply lines. Prior to establishing any structure in the vicinity of the overhead lines, the applicant and/or his contractors should consult CLPP and, if necessary, ask CLPP to divert the overhead lines away from the vicinity of the proposed structure.

[Open Meeting (Presentation and Question Sessions Only)]

- (xii) A/YL-HT/528 Temporary Logistic Centre
for a Period of 3 Years in “Recreation” zone,
Lots 1544(Part), 1545(Part), 1546(Part),
1547(Part) and 1749 in DD 125,
Ha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-HT/528)
-

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 logistic centre for a period of 3 years;
- (c) departmental comments – Environmental Protection Department (EPD) did not support the application as there were sensitive uses in the vicinity of the site and along the access road (San Wai Road), and environmental nuisance was expected. Transport Department raised concerns on the cumulative adverse traffic impact on the nearby road network brought about by the development;
- (d) no public comment was received during the statutory publication period and no local objection was received from the District Officer; and
- (e) the Planning Department (PlanD)’s views – PlanD did not support the application based on the assessment and for reasons given in paragraphs 11 and 12.1 of the Paper in that the development was not in line with the planning intention of the “Green Belt” zone; the applied use was not compatible with the nearby village settlements, in particular the cluster of village type developments to the southeast; and the proposed development was not in line with the Town Planning Board Guidelines No. 13D for

Application for Open Storage and Port Back-up Uses in that there were adverse departmental comments and there was insufficient information in the submission to demonstrate that the development would not have adverse environmental, traffic and drainage impacts on the surrounding areas.

101. Members had no question on the application.

Deliberation Session

102. Noting that the application site was zoned “Recreation” at the time of application but was currently zoned “Open Storage” and “Green Belt” on the extant Outline Zoning Plan, a Member enquired how the change of zoning should be taken into account in considering the application. In response, the Secretary pointed out that according to the principles established in previous appeal cases, the application should be considered based on the zoning at the time of application, having due regard to the planning intention of the latest zoning on the extant Outline Zoning Plan.

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

- (a) part of the site fell within an area zoned “Green Belt” (“GB”) on the current Ha Tsuen Outline Zoning Plan. The development was not in line with the planning intention of the “GB” zone, which was to define the limits of urban development areas by natural features and to contain urban sprawl, as well as to provide passive recreational outlets;
- (b) the applied use was not compatible with the nearby village settlements, in particular the cluster of village type developments to the southeast; and
- (c) the proposed development was not in line with the Town Planning Board Guidelines No. 13D for Application for Open Storage and Port Back-up Uses in that there were adverse departmental comments and there was insufficient information in the submission to demonstrate that the

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

[Open Meeting (Presentation and Question Sessions Only)]

- (xiii) A/YL-HT/529 Renewal of Planning Approval for
Temporary Open Storage of Used Paper Product
under Application No. A/YL-HT/372
for a Period of 3 Years until 18.2.2011
in “Comprehensive Development Area”
and “Residential (Group D)” zones,
Lots 48A(Part), 48B(Part) and 49(Part) in DD 128
and Adjoining Government Land,
Ha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-HT/529)
-

Presentation and Question Sessions

104. 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 renewal of planning approval for temporary open storage of used paper product under application No. A/YL-HT/372 for a period of 3 years until 18.2.2011;
- (c) departmental comments – concerned Government departments had no objection to or no adverse comments on the application;
- (d) no public comment was received during the statutory publication period and no local objection was received from the District Officer; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the

application based on the assessment given in paragraph 12 of the Paper.

105. Members had no question on the application.

Deliberation Session

106. The Chairperson remarked that the current application was a renewal of previous temporary planning approval.

107. After deliberation, the Committee decided to approve the application on a temporary basis up to 18.2.2011, 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 8:00 p.m. and 8:00 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 heavy vehicle (i.e. over 24 tonnes), including container trailer and tractor was allowed for the operation of the site at any time during the planning approval period;
- (d) no cutting, dismantling, cleansing, repairing and workshop activity was allowed on the site at any time during the planning approval period;
- (e) the drainage facilities implemented on the site under Application No. A/YL-HT/372 should be maintained at all times during the planning approval period;
- (f) the submission of a condition record of the existing 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 1.8.2008;

- (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 1.8.2008;
- (h) in relation to (g) 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 1.11.2008;
- (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 1.8.2008;
- (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 1.11.2008;
- (k) the provision of 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 1.8.2008;
- (l) 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;
- (m) if any of the above planning conditions (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; and
- (n) upon expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the TPB.

108. 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 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;
- (c) to note the Chief Town Planner/Urban Design and Landscape, Planning Department's comments that all existing and proposed trees should be clearly marked and differentiated on a plan by using 2 different symbols in order to avoid confusion;
- (d) to note the Chief Engineer/Development (2), Water Supplies Department's comments that existing water mains would be affected and the applicant should bear the cost of necessary diversion works affected by the development. In case it was not feasible to divert the affected mains, a waterworks reserve within 1.5 m from the centerline of the water mains should be provided to his Department. No structure should be erected over this waterworks reserve and such area should not be used for storage purposes;
- (e) to note the Director of Fire Services' comments that detailed fire safety requirements would be formulated upon receipt of formal submission of general building plans, to submit relevant building plans incorporated with the proposed fire service installations (FSIs) to his Department for approval even though the submission of general building plans was not required under the Buildings Ordinance, and to follow the spirit of paragraph 4.29 "Industrial/godown buildings – Low Rise" of the current version of the Codes of Practice for Minimum Fire Service Installations and Equipment in formulating the FSIs proposal;

- (f) to 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) to 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 the relevant lands and maintenance authorities should be consulted accordingly.

[Open Meeting (Presentation and Question Sessions Only)]

- (xiv) A/YL-HT/530 Temporary Open Storage of Second-hand Vehicles, Metals, Machineries, Parts and Ancillary Site Office for a Period of 3 Years in “Comprehensive Development Area” zone, Lots 92(Part), 93RP(Part) and 94(Part) in DD 125, Ha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-HT/530)
-

Presentation and Question Sessions

109. 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 second-hand vehicles, metals, machineries, parts and ancillary site office for a period of 3 years;
- (c) departmental comments – no adverse comments from concerned Government departments were received;

- (d) one public comment was received during the statutory publication period, raising concerns on traffic and environmental grounds; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessment given in paragraph 12 of the Paper.

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

110. Members had no question on the application.

Deliberation Session

111. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years up to 1.2.2011, 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. 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) no cutting, dismantling, cleansing, repairing and workshop activity was allowed on the site at any time during the planning approval period;
- (d) the stacking height of the materials stored within 5 meters of the periphery of the site should not exceed the height of the boundary fence at any time during the planning approval period;
- (e) the existing drainage facilities implemented under the previous approved Application No. A/YL-HT/243 should be maintained at all times during the planning approval period;
- (f) the submission of a condition record of the existing drainage facilities

approved under Application No. A/YL-HT/243 within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 1.5.2008;

- (g) the submission of a tree preservation proposal within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 1.5.2008;
- (h) in relation to (g) above, the implementation of the 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 1.8.2008;
- (i) the provision of a 9-litre water type/3kg dry powder fire extinguisher in each of the container-converted site offices within 3 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 1.5.2008;
- (j) 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;
- (k) if any of the above planning conditions (f), (g), (h) or (i) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and
- (l) upon expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the TPB.

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

113. 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) that shorter compliance periods were imposed in order to monitor the fulfillment of approval conditions;
- (c) to note the comments of the District Lands Officer/Yuen Long that the lots under application were Old Schedule Agricultural Lots granted under the Block Government Lease upon which no structure was allowed to be erected without prior approval from his Office;
- (d) to 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) to note the comments of the Assistant Commissioner for Transport/New Territories, Transport Department that the land status of the 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 access road should be clarified, and the relevant lands and maintenance authorities should be consulted accordingly; and
- (f) to 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 under Contract No. CV/2006/01 “Ping Ha Road Improvement Works (Ha Tsuen Section)” commenced in December 2007. The applicant should not be entitled for any compensation thereof.

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

[Open Meeting (Presentation and Question Sessions Only)]

- (xv) A/YL-ST/346 Temporary Public Car Park with Ancillary Office
for a Period of 3 Years in “Undetermined” zone,
Lots 244BRP(Part), 252RP(Part), 253(Part), 254(Part),
258(Part), 266(Part) and 270 in DD 99,
and Adjoining Government Land,
San Tin, Yuen Long

(RNTPC Paper No. A/YL-ST/346)

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

Presentation and Question Sessions

115. 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 public car park with ancillary office for a period of 3 years;
- (c) departmental comments – no adverse comments from concerned Government departments were received;
- (d) no public comment was received during the statutory publication period and no local objection was received from the District Officer; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessment given in paragraph 12 of the Paper.

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 1.2.2011, 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 existing run-in/out of about 1.6m from kerblines of Lok Ma Chau Road as and when required by the Director of Highways;
- (b) no vehicles without valid licences issued under the Road Traffic Ordinance were allowed to be parked/stored on the site at any time during the planning approval period;
- (c) only private cars, taxis, light vans and motorcycles were allowed to be parked on the site at all times during the planning approval period;
- (d) no car washing and vehicle repair workshop were allowed on the site at any time during the planning approval period;
- (e) the existing vegetations on the site should be maintained at all times during the planning approval period;
- (f) the drainage facilities on the site should be maintained at all times during the planning approval period;
- (g) the submission of a condition record of the existing drainage facilities approved under Application No. A/YL-ST/251 within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 1.8.2008;
- (h) if any of the above planning conditions (a), (b), (c), (d), (e) or (f) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice; and

- (i) if the above planning condition (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.

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

119. The Committee also agreed to advise the applicant :

- (a) to resolve any land issue relating to the development with the concerned owner(s) of the application site;
- (b) to note the District Lands Officer/Yuen Long (DLO/YL), Lands Department's comments that no structures should be erected without prior approval from his Office. The landowners/operator should apply to DLO/YL for Short Term Waiver (STW) and Short Term Tenancy (STT) 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;
- (c) to note the Chief Engineer/Railway(1), Railway Development Office, Highways Department (HyD)'s comment that the applicant was required to exclude the HyD drop kerb from the application and check with DLO/YL whether he was required to exclude the rest of the encroachment area from the application;
- (d) to follow the latest "Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites" issued by the Environmental Protection Department to minimize potential environmental impacts on the surrounding areas;
- (e) to note the Chief Engineer/Mainland North, Drainage Services Department's comments that no public sewerage maintained by his Office

was currently available for connection; and the applicant should review his drainage proposal/works as well as the site boundary in order not to cause encroachment upon areas outside his jurisdiction;

- (f) to note the Chief Building Surveyor/New Territories West, Buildings Department's comments that the granting of planning approval should not be construed as condoning to any structures existing on site under the Buildings Ordinance (BO) and the allied regulations. Actions appropriate under the BO or other enactment might be taken if contravention was found. Use of containers as offices were considered as temporary buildings and were subject to control under Building (Planning) Regulations (B(P)R) Part VII. Formal submission of any proposed new building works, including any temporary structure, for approval under the BO was required; and

- (g) to note the Chief Engineer/Development (2), Water Supplies Department's advice that existing water mains would be affected. The applicant should bear the cost of any diversion works affected by the proposed development. In case it was not feasible to divert the existing water mains, a waterworks reserve within 1.5 m from the centerline of the water mains should be provided to his Department. No structure should be erected over this waterworks reserve and such area should not be used for storage purposes. The Water Authority and his officers and contractors, his or their workmen should have free access at all times to the said area with necessary plant and vehicles for the purpose of laying, repairing and maintenance of water mains and all other services across, through or under it which the Water Authority might require or authorize.

[Open Meeting (Presentation and Question Sessions Only)]

(xvi) A/YL-ST/347 Proposed Temporary Public Vehicle Park
(excluding Container Vehicle) for a Period of 3 Years
in “Green Belt” zone, Lots 378(Part),
385(Part), 389RP(Part) and 390(Part) in DD 99,
San Tin, Yuen Long
(RNTPC Paper No. A/YL-ST/347)

Presentation and Question Sessions

120. The Committee noted that on 15.1.2008, the applicant requested for deferment of the consideration of the application to allow time to prepare technical information to address departmental comments.

Deliberation Session

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

[The Chairperson thanked Mr. Wilson Y.L. So, DPO/TMYL, Mr. Anthony C.Y. Lee, STP/TMYL, and Miss Paulina Y.L. Kwan, STP/TMYL, for their attendance to answer Members’ enquiries. Messrs. So and Lee and Miss Kwan left the meeting at this point.]

Agenda Item 7

Any Other Business

122. There being no other business, the meeting was closed at 5:30 p.m..

