

TOWN PLANNING BOARD

Minutes of 324th Meeting of the Rural and New Town Planning Committee held at 2:30 p.m. on 7.4.2006

Present

Director of Planning
Mr. Bosco C.K. Fung

Chairman

Mr. Michael K.C. Lai

Vice-chairman

Ms. Carmen K.M. Chan

Professor Nora F.Y. Tam

Mr. David W.M. Chan

Professor David Dudgeon

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

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

Assistant Director/New Territories, Lands Department
Mr. Francis Ng

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

Secretary

Absent with Apologies

Dr. Lily Chiang

Professor Peter R. Hills

Mr. Alfred Donald Yap

Assistant Commissioner for Transport/New Territories,
Transport Department
Miss Cindy Law

Assistant Director (Environmental Assessment and Noise),
Environmental Protection Department
Mr. Elvis Au

In Attendance

Assistant Director of Planning/Board
Mr. Lau Sing

Chief Town Planner/Town Planning Board
Miss Fiona S.Y. Lung

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

Welcome New Members

1. As it was the first meeting for the new term of the Rural and New Territories Planning Committee, the Chairman welcomed the new members to the meeting. The Secretary reminded all Members to register their pecuniary interests and return the registration form by 21.4.2006.

Agenda Item 1

Confirmation of the Draft Minutes of the 323rd RNTPC Meeting held on 17.3.2006

[Open Meeting]

2. The draft minutes of the 323rd RNTPC meeting held on 17.3.2006 were confirmed subject to amending the second sentence in paragraph 35 of the minutes to read “The LandsD would ensure that the timing of construction of this Small House would match with the implementation of the public sewerage system.”

Agenda Item 2

Matters Arising

[Open Meeting]

(a) Town Planning Appeals Received

- (i) Town Planning Appeal No. 3 of 2006 (3/06)
Temporary Open Storage of Vehicles and Vehicle Parts
for a Period of 3 Years in “Village Type Development” Zone,
Lots 465BRP (Part) and 466RP (Part) in DD 109,
Kam Tin Road, Kam Tin, Yuen Long
(Application No. A/YL-KTN/236)

- (ii) Town Planning Appeal No. 4 of 2006 (4/06)
Temporary Open Storage of Vehicles and Vehicle Parts
for a Period of 3 Years in “Village Type Development” Zone,
Lot 466RP (Part) in DD 109,
Kam Tin Road, Kam Tin, Yuen Long
(Application No. A/YL-KTN/237)

3. The Secretary reported that three appeals were received by the Town Planning Appeal Board (TPAB). Two of them were received on 18.3.2006 against the decision of the Town Planning Board (TPB) on 6.1.2006 to reject on review two applications (No. A/YL-KTN/236 and 237) for temporary open storage of vehicles and vehicle parts for a period of 3 years at sites zoned “Village Type Development” (“V”) in Kam Tin, Yuen Long. The reasons for rejection were that the residential dwellings located in close proximity to the application sites would be susceptible to environmental nuisance generated by the developments, and continual occupation of the sites for temporary open storage use was not in line with the planning intention of the “V” zone.

- (iii) Town Planning Appeal No. 5 of 2006 (5/06)
Proposed Residential Development in “Open Space” Zone,
2-8 (even numbers) Ui On Lane, Sai Ying Pun, Hong Kong
(Application No. A/H3/364)

4. The Secretary said that the third appeal was received by the TPAB on 20.3.2006 against the decision of the TPB on 20.1.2006 to reject on review an application (No. A/H3/364) for a residential development at a site zoned “Open Space” (“O”) in Ui On Lane, Sai Ying Pun. The reason for rejection was that the proposed development was not in line with the planning intention of the “O” zone and would result in a more congested residential environment. The hearing dates for the three appeals were yet to be fixed.

(b) Abandonment of Town Planning Appeal

Town Planning Appeal No. 11 of 2005 (11/05)

Warehouse for Storage of Houseware, Building Supplies and Plastic Materials
in “Undetermined” Zone,

Lot 543RP in DD 106, Kam Sheung Road, Kam Tin, Yuen Long

(Application No. A/YL-KTS/328)

5. The Secretary also reported that the appeal received by the TPAB on 22.6.2005, which was against the decision of the TPB on 22.4.2005 to reject on review an application (No. A/YL-KTS/328) for a warehouse for storage of houseware, building supplies and plastic materials at a site zoned “Undetermined” in Kam Tin, Yuen Long, was abandoned by the appellant of his own accord on 23.3.2006. On 31.3.2006, TPAB formally confirmed that the appeal was abandoned in accordance with Regulation 7(1) of the Town Planning (Appeals) Regulations.

(c) Appeal Statistics

6. The Secretary said that as at 7.4.2006, a total of 27 cases were yet to be heard by the TPAB. Details of the appeal statistics were as follows :

Allowed	:	16
Dismissed	:	83
Abandoned/Withdrawn/Invalid	:	113
Yet to be Heard	:	27
<u>Decision Outstanding</u>	:	<u>1</u>
Total	:	240

Sha Tin, Tai Po and North District

[Mr. W.K. Hui, District Planning Officer/Shan Tin, Tai Po and North (DPO/STN), and Mr. Philip Y.L. Chum, Senior Town Planner/Shan Tin, Tai Po and North (STP/STN), were invited to the meeting at this point.]

Agenda Item 3

Section 16 Applications

[Open Meeting (Presentation and Question Sessions Only)]

- (i) A/FSS/166 Proposed Dangerous Goods Godown
(Dangerous Goods Store for Storage of Paint Materials)
in “Industrial” zone,
Lot 4433 s.86 RP(Part) in DD 51,
On Lok Tsuen, Fanling
(RNTPC Paper No. A/FSS/166)
-

Presentation and Question Sessions

7. Mr. Philip Y.L. Chum, STP/STN, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) proposed dangerous goods godown (dangerous goods store for storage of paint materials);
- (c) departmental comments – no objection from concerned Government departments was received;
- (d) three public comments were received during the publication period, two of them raising objection on fire safety and traffic grounds. One local objection was received from the District Officer raising concern on pedestrian and traffic flow; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application for reasons given in paragraph 9.1 of the Paper in that the proposed dangerous goods godown, which was small in scale and located at the open yard of an industrial building, was not incompatible with the surrounding industrial uses. It was not expected to generate significant

impacts on infrastructure, environment, traffic, drainage and fire safety of the area. Although there were local objections on fire safety and traffic grounds, the Fire Services Department (FSD) and the Transport Department (TD) had no objection to/ comment on the application.

[Ms. Anna S.Y. Kwong arrived and joined the meeting at this point.]

8. In response to the Chairman's enquiry, Mr. W.K. Hui, DPO/STN said that the two public comments were made by nearby occupants. He remarked that FSD and TD had no objection to the application.

Deliberation Session

9. The Chairman said that as the application site fell within an "Industrial" zone and FSD did not raise objection to the application, the fire safety concern raised by the nearby occupants might be more of a perception than real.

10. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board. The permission should be valid until 7.4.2010, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

- (a) no night-time operation between 6:30 p.m. and 8:00 a.m., as proposed by the applicant, should be carried out at the application site;
- (b) no vehicle with the length exceeding 6.65m and weight exceeding 5.5 tonnes, as proposed by the applicant, should enter/exit the application site;
- (c) the provision of fire services installations and water supplies for fire fighting to the satisfaction of the Director of Fire Services or of the Town Planning Board; and
- (d) the provision of environmental mitigation measures to the satisfaction of

the Director of Environmental Protection or of the Town Planning Board.

11. The Committee also agreed to advise the applicant to note that :

- (a) emergency vehicular access arrangements should be fully complied with Part VI of the Code of Practice for Means of Access for Firefighting and Rescue; and
- (b) formal submission of building plans by an Authorized Person to the Building Authority for approval was required for the proposed dangerous goods godown.

[Open Meeting (Presentation and Question Sessions Only)]

- (ii) A/NE-LYT/321 Proposed New Territories Exempted House (NTEH) (Small House) in "Agriculture" zone, Lot 396B1 in DD 85, San Tong Po Village, Fanling (RNTPC Paper No. A/NE-LYT/321)
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Presentation and Question Sessions

12. Mr. Philip Y.L. Chum, STP/STN, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) proposed NTEH (Small House);
- (c) departmental comments – no objection from concerned Government departments was received;
- (d) no public comment was received during the 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 for reasons given in paragraph 11.1 of the Paper in that the proposed development complied with the interim criteria for assessing planning applications for NTEH/Small House development. It would unlikely cause any adverse environmental, traffic and drainage impacts on the surrounding areas.

13. The Chairman said that there were many planning applications for Small House development in the New Territories and the Town Planning Board had promulgated a set of interim criteria for assessing such applications. He said that the current application was generally in line with the assessment criteria.

Deliberation Session

14. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board and subject to the condition that the design and provision of drainage facilities to the satisfaction of the Director of Drainage Services or of the Town Planning Board. The permission should be valid until 7.4.2010, 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.

15. The Committee also agreed to advise the applicant to note the Chief Engineer/Development (2), Water Supplies Department's comments that the applicant might need to extend the inside services to the nearest Government water mains for connection. The applicant should resolve any land matter associated with the provision of water supply and should be responsible for the construction, operation and maintenance of the inside services within the lot to his department's standards.

[Open Meeting (Presentation and Question Sessions Only)]

- (iii) A/NE-LYT/318 Proposed New Territories Exempted House
(NTEH) (Small House)
in “Agriculture” zone,
Lot 396A1 in DD 85,
San Tong Po Village, Fanling
(RNTPC Papers No. A/NE-LYT/318 to 320, 322 to 326)
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- (iv) A/NE-LYT/319 Proposed New Territories Exempted House
(NTEH) (Small House)
in “Agriculture” zone,
Lot 396A2 in DD 85,
San Tong Po Village, Fanling
(RNTPC Papers No. A/NE-LYT/318 to 320, 322 to 326)
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- (v) A/NE-LYT/320 Proposed New Territories Exempted House
(NTEH) (Small House)
in “Agriculture” zone,
Lot 396A6 in DD 85,
San Tong Po Village, Fanling
(RNTPC Papers No. A/NE-LYT/318 to 320, 322 to 326)
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- (vi) A/NE-LYT/322 Proposed New Territories Exempted House
(NTEH) (Small House)
in “Agriculture” zone,
Lot 396B2 in DD 85,
San Tong Po Village, Fanling
(RNTPC Papers No. A/NE-LYT/318 to 320, 322 to 326)
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- (vii) A/NE-LYT/323 Proposed New Territories Exempted House
(NTEH) (Small House)
in “Agriculture” zone,
Lot 396B3 in DD 85,
San Tong Po Village, Fanling
(RNTPC Papers No. A/NE-LYT/318 to 320, 322 to 326)
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- (viii) A/NE-LYT/324 Proposed New Territories Exempted House
(NTEH) (Small House)
in “Agriculture” zone,
Lot 396B4 in DD 85,
San Tong Po Village, Fanling
(RNTPC Papers No. A/NE-LYT/318 to 320, 322 to 326)
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- (ix) A/NE-LYT/325 Proposed New Territories Exempted House
(NTEH) (Small House)
in “Agriculture” zone,
Lot 396B5 in DD 85,
San Tong Po Village, Fanling
(RNTPC Papers No. A/NE-LYT/318 to 320, 322 to 326)
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- (x) A/NE-LYT/326 Proposed New Territories Exempted House
(NTEH) (Small House)
in “Agriculture” zone,
Lot 396B6 in DD 85,
San Tong Po Village, Fanling
(RNTPC Papers No. A/NE-LYT/318 to 320, 322 to 326)
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Presentation and Question Sessions

16. Noting that Applications No. A/NE-LYT/318 to 320 and 322 to 326 were similar in nature and the application sites were located in close proximity of each other, the Committee agreed to consider the eight applications together.

17. Mr. Philip Y.L. Chum, STP/STN, presented the eight applications together and covered the following aspects as detailed in the Paper :

- (a) background to the applications;
- (b) proposed NTEH (Small House) at each of the application sites;
- (c) departmental comments – no objection from concerned Government departments was received;
- (d) no public comment was received during the 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 for reasons given in paragraph 11.1 of the Paper in that the proposed developments complied with the interim criteria for assessing planning applications for NTEH/Small House development. They would unlikely cause any adverse environmental, traffic and drainage impacts on the surrounding areas.

18. Members had no question on the applications.

Deliberation Session

19. The Chairman said that the current applications were similar in nature to the previous one (No. A/NE-LYT/321) just approved by Members at the meeting.

20. After deliberation, the Committee decided to approve the Applications No. A/NE-LYT/318-320 and 322-326, on the terms of the applications as submitted to the Town Planning Board and subject to the condition that the design and provision of drainage facilities to the satisfaction of the Director of Drainage Services or of the Town Planning Board. The permission should be valid until 7.4.2010, and after the said date, the permission should cease to have effect unless before the said date, the developments permitted were commenced or the permission was renewed.

[Open Meeting (Presentation and Question Sessions Only)]

- (xi) A/NE-LT/355 Proposed House (New Territories Exempted House)
(NTEH) (Small House)
in “Agriculture” and “Village Type Development” zones,
Lot 1149 in DD 19,
Lam Tsuen San Tsuen,
Lam Tsuen, Tai Po
(RNTPC Paper No. A/NE-LT/355)
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Presentation and Question Sessions

21. Mr. Philip Y.L. Chum, STP/STN, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) proposed house (NTEH) (Small House);
- (c) departmental comments – although the Director of Agriculture, Fisheries and Conservation did not favour the application from agricultural development point of view, the site was currently an abandoned field and all other Government departments had no adverse comments on the application;
- (d) one public comment was received during the publication period raising concerns on the felling of trees and blocking of access path to the village area; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application for reasons given in paragraph 11.1 of the Paper in that the proposed development complied with the interim criteria for assessing planning application for NTEH/Small House development. Although the application site fell within the Water Gathering Ground (WGG), the Director of Environmental Protection and the Director of Water Supplies

had no objection as the proposed development could be connected to the planned sewerage system in the area. To address the public comment, a landscape condition would be imposed and an advisory clause would be added to remind the applicant not to block the existing footpath.

22. The Chairman said that if the application site fell within WGGs, one of the important considerations in assessing the application was whether the proposed development could be served by the planned sewerage system in the area. The current application could satisfy the requirement.

Deliberation Session

23. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board. The permission should be valid until 7.4.2010, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

- (a) the submission and implementation of landscaping proposals to the satisfaction of the Director of Planning or of the Town Planning Board;
- (b) the submission and implementation of drainage facilities to the satisfaction of the Director of Drainage Services or of the Town Planning Board;
- (c) the provision of an emergency vehicular access with street fire hydrant or the incorporation of residential sprinkler system to the satisfaction of the Director of Fire Services or of the Town Planning Board;
- (d) the connection of the foul water drainage system to public sewers to the satisfaction of the Director of Water Supplies or of the Town Planning Board; and
- (e) the provision of protective measures to ensure no siltation occurred or no pollution to the water gathering grounds to the satisfaction of the Director

of Water Supplies or of the Town Planning Board.

24. The Committee also agreed to advise the applicant to note that :
- (a) the actual construction of the proposed Small House should only begin after the completion of the public sewerage network;
 - (b) adequate space should be provided for the proposed Small House to be connected to the public sewerage network;
 - (c) there were low voltage cables in the vicinity of the site. The applicant and his contractors should observe the ‘Code of Practice on Working near Electricity Supply Lines’ when carrying out works in the vicinity of electricity supply line. They should liaise with CLP Power Ltd. to divert low voltage cables away from the vicinity of the proposed development before commencement of construction works; and
 - (d) blocking of the footpath should be avoided during construction of the proposed house.

[Open Meeting (Presentation and Question Sessions Only)]

- (xii) A/NE-TK/204 Proposed 37 Houses
(New Territories Exempted Houses) (NTEHs)
in “Village Type Development” and “Green Belt” zones,
Various Lots and Adjoining Government Land in DD 28,
Tai Mei Tuk Village, Tai Po
(RNTPC Paper No. A/NE-TK/204)
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Presentation and Question Sessions

25. Mr. Philip Y.L. Chum, STP/STN, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) proposed 37 Houses (NTEHs);
- (c) departmental comments – no objection from concerned Government departments was received;
- (d) two public comments were received during the publication period from Green Groups raising objection on non-compliance with the planning intention of the “Green Belt” zone and adverse environmental and landscape impacts; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application for reasons given in paragraph 12.1 of the Paper in that the current submission only involved slight variations in site configuration and the layout and disposition of the houses as compared with the latest planning application (No. A/NE-TK/123) approved in 2000. Although Houses No. 1 to 4 were not in line with the interim criteria for assessing planning applications for NTEH/Small House development, sympathetic consideration could be given as planning applications for NTEH/Small House development had been previously approved by the Town Planning Board, and the related Small House applications had been approved by the District Lands Officer/Tai Po (DLO/TP) in 2001. The applicants had shown efforts to comply with the approval conditions for the previous application (No. A/NE-TK/123) with conditions (a) and (c) on the provision of access road and footpath as well as emergency vehicular access and fire services installations already complied with.

26. Members had the following questions :

- (a) referring to Plan A-2, whether the existing access road on which Houses No. 15-22 were proposed to be built would be affected;
- (b) whether it was possible for Houses No. 1 to 4 to be built within the village

'environ' ('VE'); and

- (c) whether the northern part of Site A would also be used for NTEH development.

27. Mr. W.K. Hui, DPO/STN, made the following points :

- (a) as shown on the aerial photo at Plan A-3 of the Paper, the original access road, which formed part of the application site, had already been closed and site formation works had been carried out. According to the previously approved scheme (No. A/NE-TK/123), a new access road would be re-provided by the applicant;
- (b) out of the proposed 37 Small Houses, 33 had already been approved for Small House development by DLO/TP, including Houses No. 1 to 4, based on the scheme previously approved by the Town Planning Board. The outstanding 4 Small House applications pending approval from DLO/TP were located within the 'VE'; and
- (c) according to the previously approved scheme, the northern part of Site A would be used for garden purpose and no Small House development was proposed.

28. A Member noted that the public comments were raised on the clearance of vegetation within the application site, and asked whether the site was covered with vegetation when the previous application was approved in 2000. Mr. W.K. Hui said that the vegetation cover previously found on the site was neither fung shui woodland nor important trees. Moreover, most of the proposed Small Houses were located within the 'VE'. Recent site inspections by the Central Enforcement and Prosecution Section of PlanD revealed that while vegetation on the site had been cleared, seedlings were found growing sparsely over the site. The Chairman pointed out that the proposed Small House development had a long history, with the first approval given in 1991. Planning considerations taken at that time might be different from the current standards and expectations.

Deliberation Session

29. A Member noted that 4 houses did not comply with the interim criteria and opined that approving the current application for 37 houses en bloc would be unfair to those similar applications, which were submitted individually and were rejected by the Town Planning Board. The Chairman said that Houses No. 1 to 4 would not be approved in accordance with current guidelines and assessment criteria, yet, given the long history of planning approvals and the special circumstances of the current application, sympathetic consideration might be given in this case.

30. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board. The permission should be valid until 7.4.2010, 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 detailed tree preservation and landscaping proposals to the satisfaction of the Director of Planning or of the Town Planning Board;
- (b) the submission and provision of the proposed access road and footpath from Ting Kok Road to the proposed development to the satisfaction of the Commissioner for Transport or of the Town Planning Board;
- (c) the submission and provision of drainage facilities to the satisfaction of the Director of Drainage Services or of the Town Planning Board; and
- (d) the submission and provision of emergency vehicular access and fire services installation to the satisfaction of the Director of Fire Services or of the Town Planning Board.

31. The Committee also agreed to advise the applicants to :

- (a) note that there was an existing DN25 water mains passing through the

south-eastern portion of the private lot at Lot 768 s.R, i.e. House No. 12. The applicant should divert the water mains to the satisfaction of the Director of Water Supplies and bear the associated diversion cost;

- (b) note that they might need to extend the inside services to the nearest Government water mains for connection. The applicants 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 the Water Supplies Department's standards;
- (c) consult the Environmental Protection Department regarding sewage treatment/disposal method for the proposed development;
- (d) observe the "Code of Practice on Working near Electricity Supply Lines" established under the Electricity Supply Lines (Protection) Regulation when carrying out works in the vicinity of electricity supply lines;
- (e) preserve the mature trees on the sites as far as possible and implement necessary measures to protect the natural stream course passing through the two sites during the works stage;
- (f) make submission to the Buildings Department in accordance with the provisions of the Buildings Ordinance during the development stage; and
- (g) note that water mains in the vicinity of the application site could not provide the standard fire-fighting flow.

[Open Meeting (Presentation and Question Sessions Only)]

- (xiii) A/ST/633 Proposed Private Garden with Swimming Pools for Houses
in “Green Belt” zone,
Sha Tin Town Lot 465(Part),
Sha Tin Heights Road, Sha Tin
(RNTPC Paper No. A/ST/633)
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Presentation and Question Sessions

32. Mr. Francis Ng, Assistant Director/New Territories, Lands Department declared an interest in this item as his relative worked in the applicant’s company.

[Mr. Francis Ng left the meeting temporarily at this point.]

33. Mr. Philip Y.L. Chum, STP/STN, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) proposed private garden with swimming pools for houses;
- (c) departmental comments – no objection from concerned Government departments was received;
- (d) no public comment was received during the 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 for reasons given in paragraph 11.1 of the Paper in that the proposed development complied with the Town Planning Board Guidelines No. 10 for Application for Development within Green Belt Zone. The proposed private garden with extension of two swimming pools was compatible with the adjacent houses within the same residential lot, and the general environmental condition of the area could be improved with the applicant’s proposed landscaping and related works on the application site.

An approval condition requiring the submission and implementation of revised proposals on landscaping and tree preservation was recommended.

34. Members had no question on the application.

Deliberation Session

35. The Chairman said that previous approval had been given for a private garden at the application site. The current application was to use part of the approved private garden as swimming pools, and no adverse comments were received from departments concerned and no local objection was received.

36. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board. The permission should be valid until 7.4.2010, 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 revised proposals on landscaping and tree preservation to the satisfaction of the Director of Planning or of the Town Planning Board; and
- (b) the construction and maintenance of adequate drainage and sewerage facilities to the satisfaction of the Director of Drainage Services or of the Town Planning Board.

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

- (a) the Chief Engineer/Development (2), Water Supplies Department's comments that the applicant should be responsible for the construction, operation and maintenance to his standards of any private water supply system for water supply to the proposed development;
- (b) the Chief Building Surveyor/New Territories East, Buildings Department's

comments that the related site formation and building works proposal should be submitted to the Building Authority for approval; and

- (c) the Chief Engineer/Mainland South, Drainage Services Department's comments that the applicant should advise the discharging point of water of the proposed swimming pool in the proposal/application. The applicant should also check whether the downstream drainage system of the discharging point was able to cope with the additional water and upgrade it, if necessary, at his cost.

[Mr. Francis Ng returned to join the meeting at this point.]

Agenda Item 4

Section 16A Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-LYT/231-1 Extension of Time for Commencement of the Approved Residential Development under Application No. A/NE-LYT/231 for a Period of 4 Years until 12.4.2010 in "Agriculture" zone,
Lot 918B, 928, 933, 938, 939, 940, 941, 943, 944, 945, 954A, 954B, 955B, 956, 958, 1006, 1009, 1018 and 1019 in DD 83 and Adjoining Government Land, near Ma Liu Shui San Tsuen, Fanling
(RNTPC Paper No. A/NE-LYT/231-1)

Presentation and Question Sessions

38. Mr. Philip Y.L. Chum, STP/STN, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;

- (b) extension of time (EOT) for commencement of the approved residential development;
- (c) departmental comments – the Director of Agriculture, Fisheries and Conservation (DAFC) did not favour the application as the application site was graded as ‘good’ agricultural land and agricultural activities in the vicinity of the site was quite active. No objection from other concerned Government Departments was received;
- (d) local comments were received from the District Officer with one objection raised by the Village Representative of Ma Liu Shui San Tsuen on the ground that priority should be given to village type development; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application for reasons given in paragraph 6.2 of the Paper in that the commencement of development was delayed due to technical problems beyond the applicant’s control. As reasonable actions were demonstrated to have been taken by the applicant to implement the approved development, sympathetic consideration could be given. The EOT would allow more time for the applicant to resolve various technical matters in particular with the Drainage Services Department.

39. Members had no question on the application.

Deliberation Session

40. The Chairman said that the application was first approved in 1996. According to the prevailing Town Planning Board Guidelines, any further extension of time for commencement of the approved development would be outside the scope of Class B amendments. The applicant should be reminded that a fresh application under section 16 of the Town Planning Ordinance would be required if the approved residential development could not be commenced on time.

41. After deliberation, the Committee decided to approve the application for extending the time for commencement of the approved development for 4 years until 12.4.2010, on the terms of the application as submitted to the Town Planning Board and subject to the following conditions :

- (a) the submission of a revised layout to take into account the drainage reserve to the satisfaction of the Director of Planning or of the Town Planning Board; and
- (b) the design and provision of detailed drainage facilities in accordance with the drainage impact assessment to the satisfaction of the Director of Drainage Services or of the Town Planning Board.

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

- (a) any further extension of the validity of this permission would be outside the scope of Class B amendments as specified by the Town Planning Board. If the applicant wish to seek any further extension of time for commencement of the development, the applicant might submit a fresh application under section 16 of the Town Planning Ordinance. Reference could be made to the Town Planning Board Guidelines No. 35 and 36 for details; and
- (b) sewage treatment plant as recommended in the Supplementary Planning Statement (December 1995) for the s.17 review should be built as an interim pollution mitigation measure as the proposed sewerage system to the area was tentatively scheduled for completion by 2016.

[The Chairman thanked Mr. W.K. Hui, DPO/STN, and Mr. Philip Y.L. Chum, STP/STN, for their attendance to answer Members' enquiries. Messrs. Hui and Chum left 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), and Mr. Wilson W.S. Chan, Senior Town Planner/Tuen Mun and Yuen Long (STP/TMYL), were invited to the meeting at this point.]

Agenda Item 5

[Open Meeting]

Information Paper on Local Concern on Large Scale Residential Developments
in Pat Heung, Yuen Long, New Territories
(RNTPC Paper No. 15/06)

Presentation and Question Sessions

43. The residential developments referred to in this information paper were projects of Cheung Kong (Holdings) Ltd. Dr. Lily Chiang had declared an interest in this item as she had current business dealings with Cheung Kong (Holdings) Ltd. The Committee noted that she had tendered her apology for not being able to attend this meeting.

44. Mr. Wilson Y.L. So, DPO/TMYL, said that a motion was passed by the Yuen Long District Council (YLDC) at its meeting on 23.2.2006 condemning the Planning Department (PlanD), the Lands Department (LandsD) and the Town Planning Board (TPB) for approving various large-scale residential developments in Pat Heung area regardless of strong local objection and adverse impact on the environment. He briefed Members on the background and planning history of the three developments, namely Seasons Palace, Seasons Villas and a new residential development under construction next to Pang Ka Tsuen, the last of which was the key concern of the local villagers. The local villagers complained that the proposed development was approved in the absence of proper consultation, and the concerned village was adversely affected resulting in serious damage to 'fung shui' and the local environment. The village representatives urged for a meeting with the developer (i.e. Cheung Kong (Holdings) Ltd.) with a view to resolve their concerns, particularly those associated with the implementation of the development. Despite the continued effort of

concerned departments to liaise with the developer to arrange a meeting with the local villagers, the developer was yet to confirm whether such a meeting would be convened. The developer's main worry was not much could be done to further address the villagers' concerns given that proper planning, land exchange and building plan approval procedures had been completed and due regard had been made to local 'fung shui' consideration.

45. Mr. Wilson Y.L. So suggested that PlanD would continue to work closely with District Officer/Yuen Long and District Lands Officer/Yuen Long with a view to establish a dialogue between the developer and the local representatives to address the local objections. In the meantime, the TPB would issue a reply to the YLDC explaining the planning intention for the area, the planning considerations that had been taken into account by the TPB when approving planning applications for the residential development and the approval conditions that had been imposed to mitigate potential impact generated by the development. He also suggested the Secretary of the TPB to write to the developer urging it to have an early dialogue with the local villagers.

46. Referring to the draft reply to the YLDC, a Member questioned how the 'fung shui' impact claimed by the villagers would be addressed. Mr. Wilson Y.L. So explained that 'fung shui' was rather subjective. While the TPB might take into account the 'fung shui' aspect in considering an application, it would not be in a position to resolve the 'fung shui' problem. To his knowledge, the developer had carried out certain Chinese customary rituals and ceremonies for the new residential development under construction. It however appeared that such actions could not fully address the concern of the local villagers.

Deliberation Session

47. A Member opined that the issue should better be dealt with by the relevant District Officer who would be in a better position to liaise with the local villagers. The Chairman agreed that continued dialogue with a view to identify mutually acceptable solutions would be important. In response to a Member's question, the Chairman said that the Committee had the responsibility to explain to the public that all relevant considerations, including public comments, had been thoroughly taken into account when approving an application. He suggested that the Secretary of the TPB should convey the local concerns to the developer and encourage the developer to engage in dialogue with the local villagers.

48. After deliberation, the Committee agreed that a reply would be issued by the TPB to the YLDC in response to their motion along the lines suggested in paragraph 5 of the Paper.

49. The Committee also requested the Secretary to convey the local concerns to the developer and urge it to have an early dialogue with the local villagers to address their concerns in a mutually acceptable way.

Agenda Item 6

[Open Meeting (Presentation and Question Sessions Only)]

Further Consideration of Application No. A/YL-MP/150
Proposed Land Filling in “Village Type Development” zone,
Lot 2261SRP(Part) in DD 104,
San Wai Tsuen,
Mai Po, Yuen Long
(RNTPC Paper No. A/YL-MP/150)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) proposed land filling;
- (c) departmental comments – no objection from concerned Government departments was received;
- (d) no public comment was received during the 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 for reasons given in paragraph 5.1 of the Paper in that no strong justification was provided in the current submission for the proposed land filling works as the mosquito nuisance and personal safety problems could be dealt with by more proper and effective ways, such as draining off the site on a regular basis and provision of proper fencing on site. The Director of Food and Environmental Hygiene also advised that biological control or biocides could be used. There was insufficient information to demonstrate that the development would not generate adverse drainage impact on the surrounding areas. As a majority part of the site had been filled without planning permission, approval of the application would set an undesirable precedent for similar applications for land filling.

51. The Chairman said that the Committee on 23.12.2005 decided to defer a decision on the application to allow the applicant to submit further information to clarify the intention of the proposed land filling. The applicant reiterated in the submitted further information that the land filling was to remove the mosquitoes nuisance and to ensure safety of villagers, and stated that the intention for open space and Small House development in future as proposed in the original application was withdrawn.

52. Members had the following questions:

- (a) whether the application site was a fish pond or fallow farmland before the land filling works;
- (b) whether the application site would be filled with appropriate land filling materials or just solid wastes; and
- (c) whether the application site was subject to enforcement action.

53. Mr. Wilson Y.L. So, DPO/TMYL, made the following points:

- (a) according to Drawing FA-1 and Plan FA-2 of the Paper, a pond did exist at

the application site before. However, the aerial photo at Plan FA-3b taken in August 2004 revealed that the application site was covered with vegetation, possibly the pond had become dried up. The vegetation was later cleared and the site was filled as shown at Plan FA-4 and the aerial photo at Plan FA-3a taken in October 2005;

- (b) in the applicant's submission, it was proposed to fill the whole site to a height of about 1 m. No information had been provided on the materials used and the application site had already been filled without permission; and
- (c) referring to paragraph 4 of F-Appendix I of the Paper, the application was related to a planning enforcement case regarding a suspected unauthorized land filling.

Deliberation Session

54. Some members were of the views that the applicant had carried out land filling works without planning permission. Approving the application would send a wrong message that the Committee was condoning such activities. While there were other more effective ways to deal with mosquitoes nuisance and personal safety problem, Members generally considered that the intention of the proposed land filling was still unclear notwithstanding the further information submitted by the applicant, and there was no strong justification in support of the application.

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

- (a) there was no strong justification in the submission for the proposed land filling. The approval of the application would set an undesirable precedent for similar applications for land filling. The cumulative effect would degrade the general environment of the area; and

- (b) there was insufficient information in the submission to demonstrate that the proposed development would not have adverse drainage impact on the surrounding areas.

Agenda Item 7

Section 16 Applications

[Open Meeting (Presentation and Question Sessions Only)]

- (i) A/TM/347 Proposed Television Transmitter Installation in “Green Belt” zone, Government Land Adjacent to the Castle Peak Transposer Station at the Mountain Top of Castle Peak, Tuen Mun
(RNTPC Paper No. A/TM/347)
-

Presentation and Question Sessions

56. The Committee noted that the applicant requested on 13.3.2006 for a deferment of the consideration of the application to allow time for submitting supplementary information on landscape and visual impact proposal.

Deliberation Session

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

[Open Meeting (Presentation and Question Sessions Only)]

- (ii) A/TM-LTYY/137 Temporary Vehicle Park for Private Cars, Coaches, Container Vehicles, Goods Vehicles and Truck-mounted Crane and Repair Area (Goods Vehicles Include Light, Medium and Heavy Goods Vehicles), Mobile Crane Parking and Repair Area, Storage Area (Including Container Storage) and Ancillary Site Office for a Period of 3 Years in “Green Belt” zone, Lots 868 and 869 in DD 130, Lo Fu Hang, Tuen Mun (RNTPC Paper No. A/TM-LTYY/137)
-

Presentation and Question Sessions

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

- (a) background to the application;
- (b) temporary vehicle park for private cars, coaches, container vehicles, goods vehicles and truck-mounted crane and repair area (goods vehicles include light, medium and heavy goods vehicles), mobile crane parking and repair area, storage area (including container storage) and ancillary site office for a period of 3 years;
- (c) departmental comments – the Director of Environmental Protection (DEP) did not support the application as there were sensitive uses in the vicinity of the site and the access road, and environmental nuisance was expected. No objection from other concerned Government Departments was received;
- (d) one public comment was received during the publication period from a local resident raising objection on the grounds of non-compliance with the planning intention of “Green Belt” (“GB”) zone, potential environmental

nuisances such as noise, vehicle exhaust, water pollution and glare etc., and adverse traffic, drainage and landscape impacts; and

- (e) the Planning Department (PlanD)'s views – PlanD did not support the application for reasons given in paragraph 12.1 of the Paper in that the development was not in line with the planning intention of the “GB” zone as well as the Town Planning Board Guidelines No. 10 for Application for Development within “GB” Zone. The development, involving the parking of private vehicles, coaches, container vehicles, goods vehicles, truck-mounted crane, mobile crane and repair work, was not compatible with the residential dwellings in the vicinity, and would generate environmental nuisance to the sensitive receivers in the area. There was no information in the submission to demonstrate that the development would not have adverse environmental, traffic and drainage impacts on the surrounding areas. As no previous approval for similar use had been granted in the “GB” zone, approval of the application would set an undesirable precedent.

59. Members had no question on the application.

Deliberation Session

60. 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 “Green Belt” (“GB”) zone which was to define the limits of urban and suburban 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 no exceptional circumstances to justify special consideration of the application;
- (b) the development was considered not compatible with the surrounding

areas;

- (c) there was no information in the submission to demonstrate that the development would not have adverse traffic, environmental and drainage impacts on the surrounding areas; and
- (d) the approval of the application, even on a temporary basis, would set an undesirable precedent for similar application within the “GB” zone, the cumulative effect of approving such applications would result in the encroachment on the “GB” zone by developments and a general degradation of the natural environment.

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

[Open Meeting (Presentation and Question Sessions Only)]

- (iii) A/YL/138 Proposed Houses
in “Village Type Development” zone,
Various Lots in DD 120 and Adjoining Government Land,
Fraser Village, Yuen Long
(RNTPC Paper No. A/YL/138)
-

Presentation and Question Sessions

61. Referring to paragraph 10(e) of the Paper, Mr. Wilson W.S. Chan, STP/TMYL, made a rectification that the last line should read “development would have adverse traffic impact on the surrounding areas”. Mr. Chan then presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) proposed houses;
- (c) departmental comments – no objection from concerned Government

departments was received;

- (d) seven public comments were received during the publication period raising objection on the grounds that the existing pedestrian access with streetlight would be blocked. Residents of the nearby villages would have no access to maintain the utility services which were installed inside the application site. The site zoned “Village Type Development” (“V”) should be reserved as village expansion area for the development of Small House. The proposed development would have adverse drainage, sewerage, landscape and ecological impacts on the surrounding areas. A rezoning request and a planning application for non-NTEH development at a site in the vicinity were rejected due to possible adverse traffic impact on the surrounding areas. The approval of the subject application would set an undesirable precedent for similar cases;
- (e) the District Officer also received comments from a villager of Fraser Village raising concern that the fencing works for the site had blocked an existing footway and requesting the developer to reserve a 2m wide footway at the periphery of the site;
- (f) the Planning Department (PlanD)’s views – PlanD had no objection to the application for reasons given in paragraph 11.2 of the Paper in that the proposed development (i.e. ‘House’) was always permitted in the “V” zone on the earlier versions of the Yuen Long OZP. Building plans for the development were approved in September 2002, and the land exchange application was agreed by the Yuen Long District Lands Conference in January 2003. However, in order to meet the requirements of the Transport Department (TD) to provide 20 car parking spaces, the applicant was required to obtain planning permission in accordance with the Notes for the “V” zone under the prevailing OZP, which was amended in May 2004. There was no intensification in development intensity or major change on design and layout of the proposed houses development when compared with the approved building plans. To address the concerns of TD and Drainage Services Department (DSD), approval conditions on

provision of car parking and loading/unloading facilities as well as submission of Drainage Impact Assessment were recommended. For the local concerns on pedestrian access and utility diversion, DLO/YL advised that they could be addressed at the land grant stage and the applicant had agreed to accept such arrangements. Regarding the possible adverse drainage, sewage, traffic, landscape and ecological impacts on the surrounding areas, concerned departments including DSD, EPD and TD had no objection to the application. Appropriate approval conditions had been recommended to address the concerns raised.

62. Members had no question on the application.

Deliberation Session

63. The Chairman remarked that the proposed development was always permitted within the “V” zone before amendments to the OZP were made on 28.5.2004. Noting that the proposed amendments were technical in nature, the land exchange had been agreed, and the requirement to obtain planning permission was arisen from the subsequent revision to the Notes of the “V” zone, the application might warrant sympathetic consideration.

64. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board. The permission should be valid until 7.4.2010, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

- (a) the submission of landscape proposals including a tree survey and a tree preservation scheme before commencement of the site formation works to the satisfaction of the Director of Planning or of the Town Planning Board;
- (b) the implementation of the accepted landscape proposals to the satisfaction of the Director of Planning or of the Town Planning Board;
- (c) the 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 Town Planning Board;

- (d) the submission of a drainage impact assessment (DIA) to demonstrate that the proposed development would not cause any increase in the flood susceptibility of the adjacent areas and the implementation of flood mitigation measures proposed in the DIA to the satisfaction of the Director of Drainage Services or of the Town Planning Board; and
- (e) the design and provision of vehicular access arrangement, car parking and loading/unloading facilities for the proposed development to the satisfaction of the Commissioner for Transport or of the Town Planning Board.

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

- (a) the District Lands Officer/Yuen Long's comments that in submitting the case to the District Lands Conference, his office would recommend that the applicant would be required to maintain a pedestrian access and there would be standard provisions in the Conditions of Exchange under which the applicant was required to arrange any necessary diversion of utility services affected by the proposed development;
- (b) the Assistant Commissioner for Transport/New Territories, Transport Department's comments that the land status and management/maintenance responsibilities of the road/path/track leading to the site from Fan Kam Road should be clarified. Relevant lands/maintenance authorities should be consulted;
- (c) the Chief Building Surveyor/New Territories West, Buildings Department's comments that the proposed access road having a width of not less than 4.5m wide should be completed before the occupation permit application. The Building (Planning) Regulation 41D regarding the provision of EVA should be followed;

- (d) the Director of Fire Services' comments that the EVA provision at 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 the Building (Planning) Regulation 41D;
- (e) the Chief Engineer/Mainland North, Drainage Services Department's comments that the gauging station located adjacent to the proposed development should not be interfered with by the proposed development, and the officers and workmen of his department should have free access at all times to the station for inspection and maintenance; and
- (f) the Head of the Geotechnical Engineering Office, Civil Engineering and Development Department's comments that the site fell within Scheduled Area No. 2 and marble with cavities might be present underneath the site. The applicant should submit building and foundation plans, and ground investigation proposals to the Buildings Department for approval as required under the Buildings Ordinance.

[Open Meeting (Presentation and Question Sessions Only)]

- (iv) A/YL-HT/434 Temporary Open Storage of Containers
with Ancillary Office for a Period of 3 Years
in "Recreation" zone,
Lots 1511B(Part), 1511RP(Part), 1512(Part), 1520(Part),
1521(Part), 1522(Part), 1524(Part), 1526(Part), 1527RP(Part),
1533(Part), 1534(Part), 1535(Part), 1536, 1537, 1538RP(Part)
and Adjoining Government Land in DD 125,
Ha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-HT/434)
-

Presentation and Question Sessions

66. The Committee noted that the applicant requested on 30.3.2006 for a deferment of the consideration of the application to allow time for addressing concerns raised by various

Government departments on the application.

Deliberation Session

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

[Open Meeting (Presentation and Question Sessions Only)]

- (v) A/YL-HT/436 Temporary Open Storage of Construction Materials and Construction Machinery, and Logistics Vehicles Back-up Centre for a Period of 3 Years in “Comprehensive Development Area” zone, Lots 3173B, 3173C, 3175, 3176, 3178(Part), 3184(Part), 3185 and 3187RP(Part) in DD 129, Ha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-HT/436)
-

Presentation and Question Sessions

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

- (a) background to the application;
- (b) temporary open storage of construction materials and construction machinery, and logistics vehicles back-up centre for a period of 3 years;
- (c) departmental comments – the Director of Environmental Protection (DEP)

did not support the application as there were sensitive uses in the vicinity of the site and/or access road and environmental nuisance was expected. Other Government departments had no objection to the application;

- (d) no public comment was received during the 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 for reasons given in paragraph 12.2 of the Paper in that the proposed temporary open storage use at the site was not incompatible with the surrounding land uses. Although DEP did not support this application, there were five previous planning applications approved with conditions for the site since 1999, and no environmental complaint was received by DEP in relation to the site in the past few years. In order to minimize possible noise impact, the applicant would be advised to follow the latest “Code of Practice on Handling Environmental Aspects of Open Storage and Temporary Uses”.

[Mr. Michael K.C. Lai returned to join the meeting at this point.]

69. A Member noted that the applied use under the current submission was similar to the previously approved applications. However, the last application was revoked by the Town Planning Board (TPB) due to non-compliance with the run-in/run-out condition. As the application site fell within Category 1 areas under the TPB Guidelines No. 13D to which favourable consideration would normally be given by the TPB, this Member wondered if granting approval to this application would encourage the applicant not to comply with the approval conditions. Mr. Wilson Y.L. So, DPO/TMYL, explained that according to the latest practice adopted by the TPB, an application for extension of time (EOT) to comply with approval conditions should be submitted not less than 6 weeks before the expiry date of the approval. If the EOT application was submitted late and could not be considered by the TPB before the expiry date of the approval, the EOT application would not be considered and the planning approval would be revoked. The applicant's EOT application was rejected as a result of the new practice adopted and a new application was thus necessary. In response to this Member's concern, Mr. So said that if the application was approved but the approval

conditions were not complied with, the TPB would revoke the approval again where necessary. Besides, the Committee could closely monitor the situation by imposing a shorter time limit for compliance with the approval conditions.

Deliberation Session

70. The Chairman said that a shorter compliance period could be considered and upon completing the legislative procedures for charging a fee for planning applications, the applicant would make more efforts in complying with the approval conditions than submitting a fresh application.

71. The Secretary said that the applicant had complied with all the planning conditions under applications No. A/YL-HT/202 and 263, which were approved on 26.10.2001 and 25.7.2002 respectively, including landscaping, drainage, vehicular access and provision of paving and fencing. The latest approved application (No. A/YL-HT/366) was revoked by the TPB on 18.2.2006 due to non-compliance with the approval condition relating to the run-in/run-out for the site. The submission of the current application was necessitated by the fact that the applicant had failed to observe the new requirements for submitting EOT applications, arising mainly from the latest legal advice on the subject.

72. In response to a Member's enquiry, the Chairman said that as the site was located within Category 1 areas and previous approvals had been given for the same use, there were no strong reasons to reject the application. Granting the approval with a shorter time limit would allow the Committee to closely monitor the progress of compliance with the approval conditions.

73. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years up to 7.4.2009, on the terms of the application as submitted to the Town Planning Board and subject to the following conditions :

- (a) the maintenance of all existing landscape planting at the site during the planning approval period;
- (b) the maintenance of all existing drainage facilities on the site during the

planning approval period;

- (c) the provision of replacement planting on the site within 3 months from the date of the planning approval to the satisfaction of Director of Planning or of the Town Planning Board by 7.7.2006;
- (d) the submission of run-in proposals within 3 months from the date of the planning approval to the satisfaction of Director of Highways or of the Town Planning Board by 7.7.2006;
- (e) in relation to (d) above, the implementation of the accepted run-in proposal within 6 months from the date of planning approval to the satisfaction of Director of Highways or of the Town Planning Board by 7.10.2006;
- (f) the provision of a 9-litres water type/3 dry powder fire extinguisher in the site offices within 3 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 7.7.2006;
- (g) if any of the above planning condition (a) or (b) was not complied with at any time during the 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 condition (c), (d), (e) or (f) was not complied with by the above specified date, the approval hereby given should cease to have effect and should be revoked without further notice; and
- (i) upon expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the Town Planning Board.

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

- (a) note that shorter compliance periods were stipulated so as to monitor the

situation and fulfillment of approval conditions;

- (b) resolve any land issues relating to the development with the concerned owner(s) of the application site;
- (c) apply to District Lands Officer/Yuen Long for Short Term Wavier for erection of structures on the site;
- (d) follow the environmental mitigation measures as recommended in the “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” in order to minimize the potential environmental impact on the adjacent area;
- (e) note the comments of the Chief Engineer/Mainland North, Drainage Services Department on the need to rectify all drainage facilities if it was found inadequate or ineffective during operation;
- (f) note the comments of the Chief Town Planner/Urban Design & Landscape that the majority of tree planting implemented under the previous application No. A/YL-HT/366 was in good condition except 3 numbers of trees at the south-eastern corner of the site were found missing and required tree replacement;
- (g) note the comments of the Assistant Commissioner for Transport/New Territories, Transport Department that the land status and management/maintenance responsibilities of the access road leading to the site should be clarified and the relevant lands/maintenance authorities should be consulted; and
- (h) note the comments of the Chief Highway Engineer/New Territories West, Highways Department that a run-in at the access point should be proposed and constructed in accordance with Highways Standard Drawing Nos. H1113 and H1114A and that his office was not responsible for the maintenance of the track access between Ping Ha Road and the site.

[Open Meeting (Presentation and Question Sessions Only)]

- (vi) A/YL-LFS/143 Temporary Machinery Repair Workshop and Recycling of Obsolete Materials for a Period of 3 Years in “Commercial/Residential” zone, Lot 2182RP in DD 129, Lau Fau Shan, Yuen Long (RNTPC Paper No. A/YL-LFS/143)
-

Presentation and Question Sessions

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

- (a) background to the application;
- (b) temporary machinery repair workshop and recycling of obsolete materials for a period of 3 years;
- (c) departmental comments – the Commissioner of Police (C of P) objected to the application as it would increase the traffic pressure in the area. The Director of Environmental Protection (DEP) did not support the application as there were sensitive uses in the vicinity of the site and environmental nuisance was expected. One complaint was received by DEP for the site in 2003. No objection from other concerned Government Departments was received;
- (d) one public comment was received during the publication period from a Yuen Long District Council Member raising objection on the grounds of adverse impacts on traffic and tourism development in the area; and
- (e) the Planning Department (PlanD)’s views – PlanD did not support the application for reasons as detailed in paragraph 12.2 of the Paper in that the proposed development was not compatible with the nearby tourist spot of seafood market and restaurants of Lau Fau Shan. No information was

provided in the submission to demonstrate that the development would not have adverse environmental impact on the surrounding area. The proposed development did not comply with the Town Planning Board Guidelines No. 13D for Application for Open Storage and Port Back-up Uses. There were 3 similar applications rejected by the Committee to the immediate south of the application site, and there had been no change in planning circumstances to justify a departure of the Committee's previous decision.

76. Members had no question on the application.

Deliberation Session

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

- (a) there was insufficient information in the submission to demonstrate that the development would not have adverse environmental, drainage and landscape impacts on the surrounding areas; and
- (b) 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 from concerned Government departments on environmental, drainage and landscape aspects.

[Ms. Carmen K.M. Chan left the meeting temporarily at this point.]

[Open Meeting (Presentation and Question Sessions Only)]

- (vii) A/YL-NSW/168 Proposed Pond Filling for Development of
New Territories Exempted Houses
in “Village Type Development” zone,
Lots 1290A-1290U, 1290W-1290Z,
1290AA-1290AG and 1290RP in DD 115,
Shan Pui Tsuen, Nam Sang Wai, Yuen Long
(RNTPC Paper No. A/YL-NSW/168)
-

Presentation and Question Sessions

78. The Committee noted that the applicant requested on 29.3.2006 for a deferment of the consideration of the application for 3 months in order to allow time for the submission of supplementary information to address concerns on technical issues and public comments.

Deliberation Session

79. After deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending the submission of additional information from the applicant. The Committee also agreed that the application should be submitted to the Committee for consideration within two months from the date of receipt of additional information from the applicant. The Committee also agreed to advise the applicant that a maximum period of 2 months was 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)]

- (viii) A/YL-PS/238 Temporary Public Vehicle Park for Private Car, Light Goods Vehicle and Medium Goods Vehicle for a Period of 3 Years in “Village Type Development” and “Undetermined” zones, Lots 390(Part), 391(Part), 392(Part), 394(Part), 395(Part), 396(Part) in DD 122 and Adjoining Government Land, Ping Shan, Yuen Long (RNTPC Paper No. A/YL-PS/238)
-

Presentation and Question Sessions

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

- (a) background to the application;
- (b) temporary public vehicle park for private car, light goods vehicle and medium goods vehicle for a period of 3 years;
- (c) departmental comments – the Director of Environmental Protection (DEP) did not support the application as there were sensitive uses in the vicinity of the site and access road and environmental nuisance was expected. Other Government departments had no objection to the application;
- (d) no public comment was received during the 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 for reasons as detailed in paragraph 11.1 of the Paper in that the proposed temporary public vehicle park involved the parking of medium goods vehicles which might have adverse impact on the surrounding residential uses. There was insufficient information to demonstrate that

the development would not generate adverse environmental impact on the surrounding residential uses. Approval of the application would set an undesirable precedent for similar applications for medium goods vehicles and lorry parks in this zone.

81. Members had no question on the application.

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

Deliberation Session

82. The Chairman remarked that the surrounding areas were predominantly for residential use. While the parking of private cars and light goods vehicles might help to meet the local demand of the villagers, the parking of medium good vehicles would generate adverse environmental impact and DEP had raised objection to this application.

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

- (a) the development was not compatible with the surrounding areas, in particular the adjacent residential structures;
- (b) there was insufficient information to demonstrate that the development would not pose adverse environmental impact on the surrounding areas;
and
- (c) no similar application had been approved in this “Village Type Development” (“V”) zone before. The approval of this planning application would set an undesirable precedent for other similar applications in the “V” zone. The cumulative effects of approving these applications would result in a degradation of the environment of the area.

[Open Meeting (Presentation and Question Sessions Only)]

- (ix) A/YL-PS/239 Temporary Public Vehicle Park
for Private Car and Light Goods Vehicle
for a Period of 3 Years,
Lots 568, 569RP, 586, 590 and 591 in DD 122,
Ping Shan, Yuen Long
(RNTPC Paper No. A/YL-PS/239)
-

Presentation and Question Sessions

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

- (a) background to the application;
- (b) temporary public vehicle park for private car and light goods vehicle for a period of 3 years;
- (c) departmental comments – no objection from concerned Government departments was received;
- (d) one public comment was received during the publication period from a local resident raising objection on the grounds that the public vehicle park might have encroached onto the adjacent land outside the application boundary and heavy goods vehicles were found parked on site. Odour of gasoline was detected on the site which might have potential fire hazard. There were also noise nuisance and blockage of drains causing hygiene problems; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application for reasons given in paragraph 11.1 of the Paper in that the temporary public vehicle park for private cars and light goods vehicles only was not incompatible with the surrounding area which was predominantly residential uses. It was unlikely that the development would create

significant adverse traffic, environmental, drainage and visual impacts on the surrounding areas. The site had been approved for the same use under three previous applications (No. A/YL-PS/115, 159 and 212) with the latest approval granted on 13.5.2005. There had been no change in planning circumstances since the approval of these previous applications. Although there was a local objection on environmental grounds, concerned departments including Environmental Protection Department had no adverse comment on the application. The local concern could be addressed by imposing an approval condition as recommended in paragraph 11.3(b) of the Paper which restricted the parking of private cars and light goods vehicle to not more than 5.5 tonnes, and by incorporating an advisory clause in paragraph 11.5(c) relating to maintenance of existing drainage facilities.

85. Members noted that the current submission applied for the same use as the previously approved application (No. A/YL-PS/212). However, the approval was revoked as lorries were found parked on the site. Noting that larger goods vehicles were parked on site as shown on Plan A-4 of the Paper, a Member asked how it could be ensured that the site would be used as proposed by the applicant. Mr. Wilson Y.L. So, DPO/TMYL, said that the planning permission would be revoked and unauthorized development on site would be subject to enforcement actions by the Planning Authority.

Deliberation Session

86. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years up to 7.4.2009, on the terms of the application as submitted to the Town Planning Board and subject to the following conditions :

- (a) no vehicles without valid licences issued under the Road Traffic Ordinance were allowed to be parked/stored on site;
- (b) no vehicles other than private cars and light goods vehicles (not more than 5.5. tonnes), as proposed by the applicant, were allowed to be parked on the site;

- (c) no night time operation between 8:30 p.m. and 8:30 a.m., as proposed by the applicant, was permitted at the site;
- (d) the landscape planting on the site should be maintained at all times, including replacement of dead plants, during the planning approval period;
- (e) the drainage facilities on the site should be maintained at all times during the planning approval period;
- (f) the provision of a 9-litres water type/3kg dry powder fire extinguisher in the site office within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 7.10.2006;
- (g) if any of the above planning conditions (a), (b), (c), (d) or (e) was not complied with at all time during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (h) if condition (f) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and
- (i) upon 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 Town Planning Board.

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

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

- (a) resolve any land issues relating to the development with the concerned owner(s) of the application site;
- (b) note the District Lands Officer/Yuen Long's comments on the need to apply to his office for a Short Term Waiver for the erection of structure(s). His office reserved all rights to take enforcement action against the unauthorized erection of structures on agricultural lots;
- (c) note the Chief Engineer/Mainland North, Drainage Services Department's comments on the need to maintain those existing drainage facilities which were previously implemented under Applications No. A/YL-PS/115 and 159 and rectify those facilities if they were found inadequate/ineffective during operation;
- (d) note the Chief Building Surveyor/New Territories West, Buildings Department's comments on the removal of unauthorized structures within the site which were liable to action under section 24 of the Buildings Ordinance (BO). Formal submission of any proposed new work, including any temporary structure for approval under the BO was required;
- (e) note the Assistant Commissioner for Transport/New Territories, Transport Department (TD)'s comments on the clarification of the land status, management and maintenance responsibilities of the road/path/track leading to the site;
- (f) note the Chief Highway Engineer/New Territories West, Highways Department (HyD)'s comments that the proposed vehicular access via Ping Hing Lane should be approved by the TD. The applicant should construct at his own cost a proper vehicular run-in at Ping Hing Lane (with the width of run-in specified by TD) at the approved location according to the latest version of Highway's standard drawings No. H1113/H1114 or H5115/H5116, whichever set was appropriate to suit the pavement of the

adjacent areas. Excavation Permit should be obtained from HyD prior to commencement of excavation works.

- (g) note the Antiquities and Monuments Office, Leisure and Cultural Services Department's comments that no excavation was allowed within the site unless prior written consent was obtained from his office; and
- (h) follow the "Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites" issued by the Environmental Protection Department.

[Open Meeting (Presentation and Question Sessions Only)]

- (x) A/YL-PS/240 Temporary Public Vehicle Park
for Private Car, Light Goods Vehicle
and Container Trailer for a Period of 3 Years
in "Village Type Development" zone,
Lots 43E(Part), 43F(Part), 43G(Part), 43RP(Part), 44(Part),
72(Part), 73(Part), 74(Part), 75(Part), 76(Part)
and 79(Part) in DD 122 and Lots 659A(Part), 659B(Part),
659C(Part) in DD 126 and Adjoining Government Land,
Ping Shan, Yuen Long
(RNTPC Paper No. A/YL-PS/240)
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- (xi) A/YL-PS/241 Temporary Public Vehicle Park for Private Car, Light Goods Vehicle and Container Trailer for a Period of 3 Years in “Village Type Development” zone, Lots 82A(Part), 82B(Part), 82C(Part), 82RP, 91C(Part), 91RP, 92(Part), 93A(Part), 93B(Part), 93F(Part), 93RP(Part), 94A(Part), 94B, 94C(Part), 94D(Part), 94G, 94RP(Part), 96A(Part), 96B(Part), 96C(Part), 96D(Part), 96E(Part), 96F, 96G, 96H, 96I(Part) in DD 122 and Adjoining Government Land, Ping Shan, Yuen Long (RNTPC Paper No. A/YL-PS/241)
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Presentation and Question Sessions

89. Noting that Applications No. A/YL-PS/240 and 241 were similar in nature and the application sites were located in close proximity of each other, the Committee agreed to consider the two applications together.

90. Mr. Wilson W.S. Chan, STP/TMYL, presented the two applications and covered the following aspects as detailed in the Papers :

- (a) background to the applications;
- (b) temporary public vehicle parks for private car, light goods vehicle and container trailer for a period of 3 years;
- (c) departmental comments – the Director of Environmental Protection (DEP) did not support the application as there were sensitive uses in the vicinity of the site and access road and environmental nuisance was expected. No objection from other concerned Government Departments was received;
- (d) during the publication period, one public comment was received for each of the applications from the village representative of Ha Mei San Tsuen,

raising objection on the grounds of noise nuisance, parking of vehicles on the pavement and blockage of drainage channel by the sediments of the development; and

- (e) the Planning Department (PlanD)'s views – PlanD did not support the applications for reasons given in paragraph 12.2 of the Papers in that the developments were not in line with the planning intention of the “Village Type Development” (“V”) zone, as well as the Town Planning Board Guidelines No. 13D for Application for Open Storage and Port Back-up Uses. The District Lands Officer/Yuen Long was processing a number of applications for Small House development on land covered by the application sites. The proposed developments were not compatible with the surrounding residential uses, and would generate environmental nuisance. There was no information in the submissions to demonstrate that the developments would have no adverse environmental, traffic and drainage impacts on the surrounding areas. No previous approval for public vehicle park for private car, light goods vehicle and container trailer had been granted in the “V” zone, and approval of the applications would set undesirable precedents.

91. Members had no question on the application.

Deliberation Session

92. After deliberation, the Committee decided to reject Applications No. A/YL-PS/240 and A/YL-PS/241 and the reasons were :

- (a) the proposed development was not in line with the planning intention of the “Village Type Development” zone on the Outline Zoning Plan, which was to reflect existing recognized and other villages, and to provide land considered suitable for village expansion and reprovisioning of village houses affected by Government projects. There was no strong justification in the submission for a departure from such planning intention even on a temporary basis;

- (b) the proposed development did not comply with the Town Planning Board Guidelines No. 13D for Application for Open Storage and Port Back-up Uses in that there was no exceptional circumstances to merit approval and the development was not compatible with the residential dwellings nearby; and
- (c) there was insufficient information in the submission to demonstrate that the proposed development would not have adverse environmental, drainage and landscape impacts on the surrounding areas.

[Ms. Margaret Hsia left, and Mr. Francis Ng temporarily left, the meeting at this point.]

[Open Meeting (Presentation and Question Sessions Only)]

- (xii) A/YL-PS/242 Renewal of Planning Approval for Temporary Vehicle Park (Container Tractor and Trailer), Vehicle and Tyre Repair Workshop for a Period of 3 Years in “Open Storage” zone, Lots 973(Part), 981(Part), 983, 986(Part), 988, 1031(Part), 1033(Part), 1034, 1035(Part) in DD 123 and Adjoining Government Land, Ping Shan, Yuen Long (RNTPC Paper No. A/YL-PS/242)
-

Presentation and Question Sessions

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

- (a) background to the application;
- (b) renewal of planning approval for temporary vehicle park (container tractor and trailer), vehicle and tyre repair workshop for a period of 3 years;

- (c) departmental comments – the Director of Environmental Protection (DEP) did not support the application as there were sensitive uses in the vicinity of the site and access road and environmental nuisance was expected. No objection from other concerned Government Departments was received;
- (d) during the publication period, one public comment was received from one of the land owners of the application site raising objection on the ground that he had not received any notification or request for consent from the applicant; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application for reasons given in paragraph 12.2 of the Paper in that the proposed development was in line with the planning intention of the “Open Storage” (“OS”) zone, as well as the Town Planning Board (TPB) Guidelines No. 13D for Application for Open Storage and Port Back-up Uses and No. 34 for Renewal of Planning Approval and Extension of Time for Compliance with Planning Conditions for Temporary Use or Development. The development was compatible with the surrounding land uses which were of similar nature. The planning conditions imposed on the previously approved application No. A/YL-PS/146 had all been complied with including submission and provision of landscape proposals, drainage proposals and paving/fencing of the site. The concerns of DEP could be addressed by approval conditions restricting the operation time of the proposed development. Regarding the public comment, the applicant had satisfied the requirements set out in the TPB Guidelines No. 31 on owner's consent/notification by posting site notice and sending notice to the Ping Shan Rural Committee. The applicant would also be advised to resolve the land issue with land owner(s) concerned.

94. The Chairman said that the Committee had previously discussed about the issues related to obtaining consent from or giving notification to the land owners concerned. It was decided that the applicant would be advised to liaise with the land owners if the application was approved. The TPB would not be involved in resolving any land disputes

between the applicant and the land owners.

Deliberation Session

95. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years up to 7.4.2009, on the terms of the application as submitted to the Town Planning Board and subject to the following conditions :

- (a) no operation between 7 p.m. and 7 a.m. should be carried out at the application site at any time during the planning approval period;
- (b) no operation was allowed on any Sundays or public holidays during the planning approval period;
- (c) the landscape planting on the site should be maintained at all times, including replacement of dead plants, during the planning approval period;
- (d) the drainage facilities on the site should be maintained at all times during the planning approval period; and
- (e) if any of the above planning conditions (a), (b), (c) or (d) was not complied with at any time during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice.

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

- (a) resolve any land issues relating to the development with the concerned owner(s) of the application site;
- (b) note the District Lands Officer/Yuen Long's comments on the need to apply for Short Term Tenancy and Short Term Waiver to regularize the unauthorized structures on site, otherwise, his office would consider appropriate enforcement action against the occupier/owner;

- (c) note the Assistant Commissioner for Transport/New Territories, Transport Department's comments on the clarification of the land status, management and maintenance responsibilities of the road/path/track leading to the site;
- (d) note the Chief Engineer/Mainland North, Drainage Services Department's comments on the submission of condition records of existing drainage facilities on the site within 3 months after approval of the application;
- (e) note the Chief Building Surveyor/New Territories West, Buildings Department's comments on the removal of unauthorized structures within the site which were liable to action under section 24 of the Buildings Ordinance (BO). Formal submission of any proposed new work, including any temporary structure for approval under the BO was required;
- (f) note the Director of Fire Services' comments that as the use of the site for tyre repairing would likely involve storage/use of Dangerous Goods, the applicant should approach his Dangerous Goods Division for advice on licensing of the premises; and
- (g) follow the "Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites" issued by the Director of Environmental Protection.

[Mr. Francis Ng returned to join the meeting at this point.]

[Open Meeting (Presentation and Question Sessions Only)]

- (xiii) A/YL-KTN/246 Proposed Religious Institution and Ancillary Facilities in "Agriculture" and "Green Belt" zones, Government Land in DD 109, Kam Tin, Yuen Long (RNTPC Paper No. A/YL-KTN/246)
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Presentation and Question Sessions

97. Mr. Wilson Y.L. So, DPO/TMYL, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) proposed religious institution and ancillary facilities;
- (c) departmental comments – no adverse comments from concerned Government departments were received;
- (d) no public comment was received during the 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 for reasons given in paragraph 12.1 of the Paper in that the proposed development was not in line with the planning intention of the "Agriculture" and "Green Belt" ("GB") zones. About 94% of the application site (1,115m²), which was intended for a private open space, was indeed an integral part of the proposed religious institution with part of it falling within the "GB" zone. It was not in line with the Town Planning Board Guidelines No. 10 for Application for Development within the "GB" Zone. Site formation with clearance of vegetation had already been taken place. The ancestral hall on the second floor of the proposed building would be used for placing the ancestral tablets of the Tin Tak Temple followers after their death, which might attract large number of visitors, particularly during the Yue Lan Festivals and other worshipping time in spring and autumn. There was no information to demonstrate that the proposed development would not have adverse traffic and drainage impacts on the surrounding areas. Approval of the application would set an undesirable precedent, resulting in a general degradation of the rural environment of the area.

98. A Member asked how many people could be accommodated within the proposed development. Mr. Wilson Y.L. So said that the scale of the proposed 3-storey building was similar to a conventional Small House with about 65m² on one floor. While the number of people accommodated within the proposed building might not be too many, the proposed private open space, most of which had already been formed as a flat platform with concrete surface, could also be used for worshipping activities. The cumulative impacts generated by the activities to be held at the existing Tin Tak Temple, the proposed 3-storey building and the private open space would be a concern.

Deliberation Session

99. The Chairman said that there was no information to demonstrate that the proposed development would not have adverse impact on the surrounding areas.

100. 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 “Agriculture” (“AGR”) and “Green Belt” (“GB”) zones. The “AGR” zone was to retain and safeguard good agricultural land for agricultural purposes and to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. The “GB” zone was for defining the limits of urban and sub-urban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets. There was a general presumption against development within this zone. No strong justification had been given in the submission for a departure from the planning intention of these zones;
- (b) there was insufficient information in the submission to demonstrate that the development would not have adverse landscape, traffic and drainage impacts on the surrounding areas; and
- (c) the approval of the application would set an undesirable precedent for similar applications within the “AGR” and “GB” zones. The cumulative

effect of approving such applications would result in a general degradation of the rural environment of the area.

[Open Meeting (Presentation and Question Sessions Only)]

- (xiv) A/YL-KTN/249 Temporary Second-hand Vehicles for Sales and Parking of Private Cars for a Period of 3 Years in “Comprehensive Development Area” zone, Lots 3316RP, 3337RP, 3338RP(Part), 3339, 3340RP, 3342(Part), 3343-3345, 3346(Part), 3347, 3348, 3349RP, 3350, 3351(Part), 3359RP and 3360RP in DD 104 and Adjoining Government Land, Kam Tin North, Yuen Long
(RNTPC Paper No. A/YL-KTN/249)
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Presentation and Question Sessions

101. Mr. Wilson Y.L. So, DPO/TMYL, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) temporary second-hand vehicles for sales and parking of private cars for a period of 3 years;
- (c) departmental comments – the Director of Environmental Protection (DEP) did not support the application as residential dwellings were located to the immediate north and east of the site and environmental nuisance was expected;
- (d) one public comment was received during the publication period suggesting various ways to avoid adverse environmental impact from the application site; and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application for reasons given in paragraph 12.2 of the Paper in that the development was in line with the Town Planning Board (TPB) Guidelines No. 13D for Application for Open Storage and Port Back-up Uses. The previous approval (Application No. A/YL-KTN/233) for the same use on the application site was revoked due to non-compliance of approval condition relating to the provision of drainage facilities, and the application for extension of time was lodged too close to the expiry period of time limit, it could not satisfy with the requirement under TPB Guidelines No. 34 on Renewal of Planning Approval and Extension of Time for Compliance with Planning Conditions for Temporary Use or Development. As the applicant had demonstrated efforts in complying with other approval conditions and implementation of the outstanding drainage facilities was already in progress, sympathetic consideration could be given to the application. Although DEP did not support the application, approval conditions restricting the operation hours and activities on site could help to address concerns on environmental nuisance to the surrounding areas. A shorter approval period of 1 year was recommended to allow a close monitoring of the situation.

102. Members had no question on the application.

Deliberation Session

103. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 1 year up to 7.4.2007, on the terms of the application as submitted to the Town Planning Board and subject to the following conditions :

- (a) no operation between 11:00 p.m. and 7:00 a.m. should be carried out at the site at any time during the planning approval period;
- (b) no medium or heavy goods vehicles (i.e. exceeding 5.5 tonnes) as defined in the Road Traffic Ordinance or container trailers/tractors were allowed to be parked/stored on the site;

- (c) no vehicle dismantling, maintenance, repairing, cleansing, paint spraying and other workshop activities, as proposed by the applicant, should be undertaken within the site;
- (d) the setting back of the proposed development at the southern boundary to avoid encroachment upon Government land and the waterworks reserve;
- (e) the implementation of accepted landscape proposal within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the Town Planning Board by 7.7.2006;
- (f) the implementation of accepted drainage proposals within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 7.7.2006;
- (g) if any of the above planning conditions (a), (b), (c) or (d) was not complied with at any time during planning approval, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (h) if any of the above planning conditions (e) or (f) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and
- (i) upon expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the Town Planning Board.

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

- (a) note that a shorter approval period of 1 year and shorter compliance periods had been given so as to closely monitor the development and implementation of planning conditions;

- (b) resolve any land issues relating to the development with the concerned owner(s) of the application site;
- (c) note the District Lands Officer/Yuen Long's comments that his office reserved the right to take enforcement action against any irregularity. Should the planning permission be given, the applicant should be advised to apply to his office for a Short Term Waiver for regularization of the unauthorized structure on the lot. However, his office did not guarantee that approval would be given upon application;
- (d) note the Assistant Commissioner for Transport/New Territories, Transport Department's comments that land status of the road/path/track leading to the site from San Tam Road should be checked, the management and maintenance responsibilities of the same road/path/track should be clarified, and the relevant lands and maintenance authorities should also be consulted;
- (e) note the Chief Highway Engineer/New Territories West, Highways Department's comment that the existing vehicular access connecting the application site to Sam Tam Road was not maintained by his department. The maintenance party of the vehicular access should be consulted. The construction and maintenance responsibility of proposed drainage facilities outside the application site should be clarified;
- (f) follow the environmental mitigation measures set out in the "Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites" to minimize any possible environmental nuisance;
- (g) note the Chief Building Surveyor/New Territories West, Buildings Department's comment that all unauthorized building works/structures should be removed. All building works were subject to compliance with the Buildings Ordinance (BO). Authorized Person had to be appointed to coordinate all building works. The granting of planning approval should

not be construed as an acceptance of the unauthorized structures on site under the BO. Enforcement action might be taken to effect the removal of all unauthorized works in the future; and

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

[Open Meeting (Presentation and Question Sessions Only)]

- (xv) A/YL-KTS/365 Proposed Temporary Open Storage
of Construction Materials and Machinery,
and Machinery Repair Workshop for a period of 3 Years
in "Agriculture" zone,
Lots 583, 587, 588(Part), 589RP(Part), 590RP(Part),
591RP(Part), 592RP(Part) and 593RP(Part) in DD 103,
Ko Po San Tsuen,
Kam Tin, Yuen Long
(RNTPC Paper No. A/YL-KTS/365)
-

Presentation and Question Sessions

105. Mr. Wilson Y.L. So, DPO/TMYL, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) proposed temporary open storage of construction materials and machinery, and machinery repair workshop for a period of 3 years;
- (c) departmental comments – the Director of Environmental Protection (DEP) did not support the application as there were residential dwellings located to the immediate north and east of the site and environmental nuisance was expected. There was one complaint received for the site in 2003 and two in 2005. The Chief Engineer/Mainland North, Drainage Services Department was concerned about the drainage facilities, and the Chief Town Planner/Urban Design and Landscape, Planning Department commented that the landscape proposal submitted in the current application was inadequate. No objection from other concerned Government departments was received;
- (d) two public comments were received during the publication period raising objection to the application. One commenter was concerned that the site was used for storage of containers instead of construction materials, and raised objection on grounds of noise nuisance, ingress/egress problem, bad smell and flooding concern. The other commenter was concerned that the site was in close proximity to nearby residential dwellings with no proper fencing around the site, and raised objection on grounds of road safety, fire hazard, noise nuisance, environmental pollution and sewerage problem; and
- (e) the Planning Department (PlanD)'s views – PlanD did not support the application for reasons given in paragraph 12.2 of the Paper in that the development did not comply with the Town Planning Board (TPB) Guidelines No. 13D for Application for Open Storage and Port Back-up Uses. The proposed use was in close proximity to residential dwellings. There was no information to demonstrate that the proposed development would not cause adverse environmental, drainage and landscape impacts on the surrounding areas. Although a previous application (No.

A/YL-KTS/131) for temporary open storage of vehicles for a period of 12 months was approved on review by the TPB on 20.11.1998, the applicant had not demonstrated genuine efforts to comply with the approval conditions relating to the submission and implementation of landscaping and drainage proposals. Moreover, the current application had substantially extended the site boundary from 1,100m² to 4,150m², brought it closer to residential dwellings and cultivated/fallow agricultural land. The proposed development was incompatible with these uses. Hence, the current application did not warrant the same consideration as the previous approval. In addition, there were local objections on the grounds of adverse traffic, environmental and drainage impacts on the surrounding areas.

106. Members had no question on the application.

Deliberation Session

107. The Chairman summarised that the site area under the current application was much larger than the scheme previously approved in 1998, and there were objections from the DEP and local residents.

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

- (a) the application did not comply with the Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses in that residential dwellings which were located in the immediate vicinity of the site would be susceptible to adverse environmental nuisance generated by the development; and
- (b) there was insufficient information in the submission to demonstrate that the development would not cause adverse environmental, drainage and landscape impacts on the surrounding areas.

[Open Meeting (Presentation and Question Sessions Only)]

- (xvi) A/YL-KTS/366 Temporary Warehouse, Workshop and Office
for a Period of 2 Years
in “Village Type Development” zone,
Lot 393(Part) in DD 109,
Kam Tin, Yuen Long
(RNTPC Paper No. A/YL-KTS/366)
-

Presentation and Question Sessions

109. Mr. Wilson Y.L. So, DPO/TMYL, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) temporary warehouse, workshop and office for a period of 2 years;
- (c) departmental comments – the Director of Environmental Protection (DEP) did not support the application as residential dwellings were located in the vicinity and environmental nuisance was expected. No objection from other concerned Government departments was received;
- (d) no public comment was received during the 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 for reasons given in paragraph 11.1 of the Paper in that the development was not in line with the planning intention of the “Village Type Development” zone. It was not compatible with residential dwellings located adjacent to the application site. In this regard, DEP received a complaint in 2005 and PlanD also received one in October 2005 against the noise nuisance and traffic impact of workshop activities within the site. There was no information to demonstrate that the proposed development would not cause adverse environmental and drainage impacts

on the surrounding areas.

110. Members had no question on the application.

Deliberation Session

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

- (a) the development was not in line with the planning intention of the “Village Type Development” zone which was to designate both existing and recognized villages and areas of land considered suitable for village expansion. There was insufficient information in the submission to demonstrate that relocation to alternative sites could not be made;
- (b) the development was not compatible with residential dwellings located adjacent to the application site which would be susceptible to adverse environmental nuisance generated by the development on site; and
- (c) there was no information in the submission to demonstrate that the development would not cause adverse environmental and drainage impacts on the surrounding areas.

[Open Meeting (Presentation and Question Sessions Only)]

(xvii) A/YL-KTS/367 Temporary Public Car Park for Private Cars
for a Period of 3 Years
in “Agriculture” zone,
Lots 299RP(Part), 301(Part), 302, 304(Part), 305(Part),
308(Part), 309(Part), 310 and 311(Part) in DD 113
and Adjoining Government Land,
Kam Tin, Yuen Long
(RNTPC Paper No. A/YL-KTS/367)

Presentation and Question Sessions

112. Mr. Wilson Y.L. So, DPO/TMYL, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) temporary public car park for private cars for a period of 3 years;
- (c) departmental comments – the Assistant Commissioner for Transport/New Territories (AC for T/NT) objected to the application as Kam Ho Road was primarily a drainage maintenance access road, not designed for taking additional traffic generated from further developments along the road. The Chief Town Planner/Urban Design and Landscape (CTP/UD&L) raised objection as the proposed use was not compatible with the existing landscape character of the area and might have undesirable impact on the landscape quality. No objection from other concerned Government departments was received;
- (d) one public comment was received during the publication period raising objection on the grounds of adverse impact on the serenity of the rural area, environmental pollution and road safety concern; and
- (e) the Planning Department (PlanD)'s views – PlanD did not support the application for reasons given in paragraph 11.1 of the Paper in that the application site was large in area (about 7,900m²) with residential dwellings in close proximity. These residential uses would be susceptible to adverse environmental nuisance and vehicle movement generated by the proposed use. The development was not in line with the planning intention of the “Agriculture” (“AGR”) zone, and its close proximity to a “Conservation Area” zone to the west of the proposed use was not compatible with the existing landscape character of the area and might have undesirable impact on the landscape quality. There was no information in the submission to demonstrate that the development would have no adverse landscape, traffic

and drainage impacts on the surrounding areas. Approval of the application would set an undesirable precedent.

113. Members had no question on the application.

Deliberation Session

114. 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 “Agriculture” (“AGR”) zone which was to retain and safeguard good agricultural land for agricultural purposes. This zone was also intended to retain fallow arable land with good potential for rehabilitation. No strong justification had been given in the submission for a departure from the planning intention even on a temporary basis;
- (b) the development was not compatible with the surroundings as there were residential dwellings located to its close proximity which would be susceptible to adverse environmental nuisance generated by the development;
- (c) there was no information in the submission to demonstrate that the development would have no adverse landscape, traffic and drainage 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 “AGR” zone. The cumulative effect of approving such applications would result in a general degradation of the rural environment of the area.

[Open Meeting (Presentation and Question Sessions Only)]

- (xviii) A/YL-KTS/368 Temporary Restaurant for a Period of 3 Years
in "Agriculture" zone,
Lots 1637RP, 1649A(G/F) and 1649RP(G/F) in DD 106,
Kam Tin, Yuen Long
(RNTPC Paper No. A/YL-KTS/368)
-

Presentation and Question Sessions

115. Mr. Wilson Y.L. So, DPO/TMYL, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) temporary restaurant for a period of 3 years;
- (c) departmental comments – no objection was received from concerned Government departments;
- (d) no public comment was received during the 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 for reasons given in paragraph 11.1 of the Paper in that the development was not incompatible with the surrounding rural land uses including village houses and residential development. The development would unlikely generate adverse environmental and drainage impacts on the surrounding areas. In this regard, concerned Government departments, including Environmental Protection Department and Food and Environmental Hygiene Department, had no adverse comments on the application. To address the Transport Department's concern on the vehicular access arrangement, approval conditions requiring the applicant to submit and implement vehicular access proposal were recommended.

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 7.4.2009, on the terms of the application as submitted to the Town Planning Board and subject to the following conditions :

- (a) 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 Town Planning Board by 7.10.2006;
- (b) in relation to (a) 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 Town Planning Board by 7.1.2007;
- (c) 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 Town Planning Board by 7.10.2006;
- (d) in relation to (c) above, the implementation of drainage proposal within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 7.1.2007;
- (e) the submission of vehicular access proposal within 6 months from the date of planning approval to the satisfaction of the Commissioner for Transport or of the Town Planning Board by 7.10.2006;
- (f) in relation to (e) above, the implementation of vehicular access proposal within 9 months from the date of planning approval to the satisfaction of the Commissioner for Transport or of the Town Planning Board by 7.1.2007;
- (g) the provision of emergency vehicular access, water supply for fire fighting

and fire service installations within 9 months from the date of planning approval to the satisfaction of Director of Fire Services or of the Town Planning Board by 7.1.2007; and

- (h) if any of the above planning conditions (a), (b), (c), (d), (e), (f) or (g) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice.

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

- (a) resolve any land issues relating to the development with other concerned owner(s) of the application site;
- (b) note the District Lands Officer/Yuen Long, Lands Department's comments that he would take enforcement action against the relevant illegal structures on site, in particular for those temporary structures extended from the Building Licences;
- (c) note the Director of Fire Services' comment that if the open shed was used as an outside sitting area, the metal structure should be demolished, whereas if the open shed was used as seating accommodation, its structural stability and safety should be proved by a qualified person;
- (d) note the Chief Building Surveyor/New Territories West, Buildings Department's comments that the granting of this planning approval should not be construed as condoning to any structure existing on the site under the Buildings Ordinance (BO) and the allied regulations. Actions appropriate under the BO or other enactment might be taken if contravention was found. Formal submission of any proposed new works, including any temporary structure for approval under the BO was required. If the site was not abutting on or accessible from a street of not less than 4.5 m, its development intensity should be determined under Building (Planning) Regulations 19(3) at the building plan submission stage;

- (e) follow the environmental mitigation measures set out in the “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” to minimize any possible environmental nuisance; and
- (f) note the Director of Food and Environmental Hygiene’s comments that a separate restaurant licence issued by his department was required if food business was carried out at the location.

[Open Meeting (Presentation and Question Sessions Only)]

- (xix) A/YL-PH/515 Temporary Open Storage of Excavators and Bulldozers
for Sale for a Period of 2 Years
in “Residential (Group D)” zone,
Lots 135RP(Part), 136(Part), 138BRP(Part)
and 139RP(Part) in DD 108,
Ta Shek Wu,
Pat Heung, Yuen Long
(RNTPC Paper No. A/YL-PH/515)
-

Presentation and Question Sessions

119. Mr. Wilson Y.L. So, DPO/TMYL, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) temporary open storage of excavators and bulldozers for sale for a period of 2 years;
- (c) departmental comments – the Director of Environmental Protection did not support the application as there were sensitive uses in the vicinity of the area (about 20 m from the site) and environmental nuisance was expected. The Assistant Commissioner for Transport/New Territories, Transport

Department pointed out that if the proposed vehicular access would make use of a footbridge leading from Fan Kam Road, such vehicular access was not acceptable from road safety perspective. The Chief Engineer/Mainland North, Drainage Services Department commented that the applicant's drainage proposal was considered not satisfactory. The Chief Engineer/Development(2), Water Supplies Department requested the applicant to submit an assessment of the traffic loading onto the existing steel bridge to demonstrate that the water mains underneath would not be impaired;

- (d) no public comment was received during the 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 for reasons given in paragraph 12.2 of the Paper in that the development was not in line with the planning intention of the “Residential (Group D)” (“R(D)”) zone. It also did not comply with the Town Planning Board (TPB) Guidelines No. 13D in that the development was not compatible with the surrounding land uses which were mainly residential structures and active/fallow agricultural land. There was insufficient information in the submission to demonstrate that the development would not generate adverse drainage and environmental impacts on the surrounding areas. The latest two previous applications (No. A/YL-PH/403 and 491) for temporary open storage of excavators and loaders were rejected by the TPB. There was no change in planning circumstances to warrant a departure from the previous decisions of the Committee and the TPB.

120. Members had no question on the application.

Deliberation Session

121. The Chairman noted that a previous application (No. A/YL-PH/491) was rejected in September 2005 and the proposed use would involve movement of heavy vehicles.

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

- (a) the development was not in line with the planning intention of the “Residential (Group D)” zone which was intended primarily for improvement and upgrading of existing temporary structures within the rural areas through redevelopment of existing temporary structures into permanent buildings. It was also intended 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 to justify for a departure from the planning intention, even on a temporary basis;
- (b) the development did not comply with the Town Planning Board Guidelines No. 13D for Application for Open Storage and Port Back-up Uses in that it was not compatible with the surrounding land uses with residential developments and active/fallow agricultural land; and
- (c) there was insufficient information in the submission to demonstrate that the development would not have adverse drainage and environmental impacts on the surrounding areas.

[Professor David Dudgeon left the meeting at this point.]

[Open Meeting (Presentation and Question Sessions Only)]

- (xx) A/YL-PH/517 Temporary Sale of Second-hand Private Cars
for a Period of 3 Years
in “Village Type Development” zone,
Lot 208 in DD 111,
Pat Heung, Sheung Che,
Yuen Long
(RNTPC Paper No. A/YL-PH/517)
-

Presentation and Question Sessions

123. Mr. Wilson Y.L. So, DPO/TMYL, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) temporary sale of second-hand private cars for a period of 3 years;
- (c) departmental comments – the Director of Environmental Protection (DEP) did not support the application as there were sensitive uses in the vicinity and environmental nuisance was expected. The Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) and the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) considered that the applicant’s drainage and landscape proposals were not satisfactory;
- (d) no public comment was received during the publication period and no local objection was received from the District Officer. However, after the issuance of the Paper, the District Lands Officer/Yuen Long referred a letter dated 21.3.2006 from a villager of Sheung Che Village, Pat Heung who expressed concern on the possible nuisance generated by the development on site; and
- (e) the Planning Department (PlanD)’s views – PlanD did not support the application for reasons given in paragraph 12.2 of the Paper in that the proposed development was not in line with the planning intention of the “Village Type Development” (“V”) zone, as well as the Town Planning Board Guidelines No. 13D for Application for Open Storage and Port Back-up Uses. There was no information in the submission to demonstrate that the proposed use would not have adverse environmental, drainage and landscape impacts on the surrounding areas.

124. Members had no question on the application.

Deliberation Session

125. 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 “Village Type Development” zone on the Outline Zoning Plan, which was to reflect existing recognized and other villages and to provide land considered suitable for village expansion and reprovisioning of village houses affected by Government projects. There was no strong justification in the submission for a departure from such planning intention even on a temporary basis;
- (b) the proposed development was not in line with the general criteria of Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses in that there was no exceptional circumstances to merit approval and the development was not compatible with the surrounding land uses which were generally residential in character with village settlements; and
- (c) there was insufficient information in the submission to demonstrate that the proposed development would not have adverse environmental, landscape and drainage impacts on the surrounding areas.

[Open Meeting (Presentation and Question Sessions Only)]

(xxi) A/YL-ST/305 Renewal of Planning Approval for
Temporary Open Storage of Containers and
Container Trailer Park with Ancillary Facilities
(with a 2,000L Diesel Oil Tank)
under Application No. A/YL-ST/233
for a Period of 3 Years
in “Residential (Group D)” zone,
Lots 764RP(Part) and 768RP(Part) in DD 99,
Lots 200B(Part), 204RP(Part) and 215RP(Part) in DD 105
and Adjoining Government Land,
San Tin, Yuen Long
(RNTPC Paper No. A/YL-ST/305)

(xxii) A/YL-ST/306 Renewal of Planning Approval for
Temporary Open Storage of Containers and
Container Trailer Park with Ancillary Facilities
under Application No. A/YL-ST/232
for a Period of 3 Years
in “Residential (Group D)” zone,
Various Lots in DD105 and Adjoining Government Land,
San Tin, Yuen Long
(RNTPC Paper No. A/YL-ST/306)

Presentation and Question Sessions

126. Noting that Applications No. A/YL-ST/305 and 306 were similar in nature and the application sites were located in close proximity of each other, the Committee agreed to consider the two applications together.

127. Mr. Wilson W.S. Chan, STP/TMYL, presented the two applications and covered the following aspects as detailed in the Papers :

- (a) background to the applications;

- (b) renewal of planning approvals for temporary open storage of containers and container trailer park with ancillary facilities under Applications No. A/YL-ST/233 and 232 respectively for a period of 3 years. The former also included a 2,000L diesel oil tank;
- (c) departmental comments – no objection from concerned Government departments was received;
- (d) one public comment on the two applications was received during the publication period from a Yuen Long District Council Member. The commenter was of the view that consent and tenancy agreement should be obtained from concerned lot owners; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the applications for reasons given in paragraph 12.2 of the Papers in that all the planning conditions for the previously approved applications were complied with by the applicants. The proposed temporary use was not incompatible with the surrounding land uses. The technical issues identified could be addressed through relevant approval conditions. For the public comment on owner's consent and tenancy agreement, the applicants would be advised to resolve any land issues relating to the development with the concerned owner(s).

128. Members had no question on the applications.

Deliberation Session

129. After deliberation, the Committee decided to approve Application No. A/YL-ST/305 on a temporary basis for a period of 3 years up to 7.4.2009, on the terms of the application as submitted to the Town Planning Board and subject to the following conditions :

- (a) the set back of the site from the works limit of "San Tin Western Main

Drainage Channel (STWMDC) works under PWP Item No. 112CD project, namely “Drainage Improvement in Northern New Territories – Package A” during the planning approval period;

- (b) no night-time operation between 11 p.m. and 7 a.m. was permitted on the application site;
- (c) the landscape planting on the application site should be maintained at all times during the planning approval period;
- (d) the drainage facilities on the application site should be maintained at all times during the planning approval period;
- (e) the provision of replacement tree planting for the site according to the accepted landscaping proposals under application No. A/YL-ST/233 within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the Town Planning Board by 7.10.2006;
- (f) the submission of vehicular access arrangement proposal within 6 months from the date of planning approval to the satisfaction of the Commissioner for Transport or of the Town Planning Board by 7.10.2006;
- (g) in relation to (f) above, the implementation of vehicular access arrangement proposal within 9 months from the date of planning approval to the satisfaction of the Commissioner for Transport or of the Town Planning Board by 7.1.2007;
- (h) the provision of 9-litre water type/3kg dry powder fire extinguisher in the site office within 6 months from the date of planning approval to the satisfaction of Director of Fire Services or of the Town Planning Board by 7.10.2006;
- (i) if any of the above planning conditions (a), (b), (c) or (d) was not complied with at any time during the approval period, the approval hereby given

should cease to have effect and should be revoked immediately without further notice;

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

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

- (a) resolve any land issues relating to the development with the concerned owner(s) of the application site;
- (b) apply to District Lands Officer/Yuen Long for Short Term Wavier for erection of structure on the site;
- (c) provide the Chief Engineer/Mainland North, Drainage Services Department (DSD) for reference a set of record photographs showing the drainage implementation works with corresponding photograph locations marked clearly on the approved drainage plan. DSD would inspect the completed drainage works jointly with the applicant with reference to the set of photographs. The applicant was fully responsible for the proper maintenance of the drainage facilities on site at his own cost;
- (d) follow the environmental mitigation measures as recommended in the “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” in order to minimize the potential environmental impact on the adjacent areas; and
- (e) follow the advice of the Director of Fire Services (D of FS) that the safety

distance of 6 m should be maintained between storage diesel tank and any source of ignition. Approval should be obtained from his department in respect of the diesel tank. Should the storage quantity exceed its exempted quantity, i.e. 2500L, a dangerous goods licence granted by his department was required. Formal application should be made to his department for a petrol filling station if any fuel refilling activity was to be involved. The applicant should approach the Dangerous Goods Division of D of FS for advice on licensing of the premises for activities involving storage/use of dangerous goods where necessary.

131. The Committee also decided to approve Application No. A/YL-ST/306 on a temporary basis for a period of 3 years up to 7.4.2009, on the terms of the application as submitted to the Town Planning Board and subject to the following conditions :

- (a) the set back of the site from the works limit of “San Tin Western Main Drainage Channel” (STWMDC) works under PWP Item No. 112CD project, namely “Drainage Improvement in Northern New Territories – Package A” during the planning approval period;
- (b) no night-time operation between 11 p.m. and 7 a.m. was permitted on the application site;
- (c) the landscape planting on the application site should be maintained at all times during the planning approval period;
- (d) the drainage facilities on the application site should be maintained at all times during the planning approval period;
- (e) the submission of vehicular access arrangement proposal within 6 months from the date of planning approval to the satisfaction of the Commissioner for Transport or of the Town Planning Board by 7.10.2006;
- (f) in relation to (e) above, the implementation of vehicular access arrangement proposed within 9 months from the date of planning approval

to the satisfaction of the Commissioner for Transport or of the Town Planning Board by 7.1.2007;

- (g) the provision of 9-litre water type/3kg dry powder fire extinguisher in the site office within 6 months from the date of planning approval to the satisfaction of Director of Fire Services or of the Town Planning Board by 7.10.2006;
- (h) if any of the above planning conditions (a), (b), (c) or (d) was not complied with at any time during the approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (i) if any of the above planning conditions (e), (f) or (g) was not complied with by the above specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and
- (j) upon expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the Town Planning Board.

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

- (a) resolve any land issues relating to the development with the concerned owner(s) of the application site;
- (b) apply to District Lands Officer/Yuen Long for Short Term Wavier for erection of structure on the site;
- (c) provide the Chief Engineer/Mainland North, Drainage Services Department (DSD) for reference a set of record photographs showing the drainage implementation works with corresponding photograph locations marked clearly on the approved drainage plan. DSD would inspect the completed drainage works jointly with the applicant with reference to the set of

photographs. The applicant was fully responsible for the proper maintenance of the drainage facilities on site at his own cost;

- (d) follow the environmental mitigation measures as recommended in the “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” in order to minimize the potential environmental impact on the adjacent areas; and
- (e) approach the Dangerous Goods Division of the Director of Fire Services for advice on licensing of the premises for activities involving storage/use of dangerous goods where necessary.

[Open Meeting (Presentation and Question Sessions Only)]

(xxiii) A/YL-ST/308 Temporary Public Car Park (for Private Cars)
with Ancillary Facilities (including a Refreshment Kiosk)
for a Period of 3 Years
in “Undetermined” zone,
Lot 372DRP(Part) in DD 99
and Adjoining Government Land,
San Tin, Yuen Long
(RNTPC Paper No. A/YL-ST/308)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) temporary public car park (for private cars) with ancillary facilities (including a refreshment kiosk) for a period of 3 years;
- (c) departmental comments – the District Lands Officer/Yuen Long (DLO/YL)

did not support the application as unauthorized structures were involved and the Government land was occupied without his prior approval. The applicant had also failed to apply to DLO/YL for regularization of the unauthorized structures and the occupation of Government land. The Chief Engineer/Technical Services, Railway Development Office, Highways Department (CE/TS, RDO, HyD) advised that the northern part of the site encroached into Kowloon-Canton Railway Corporation's works site which might need to be excluded from the application boundary;

- (d) no public comment was received during the 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 for reasons given in paragraph 12.1 of the Paper in that the development was not incompatible with the surrounding land uses. The site area was similar as the previously approved application (No. A/YL-ST/229). Although part of the site fell within the Wetland Buffer Area, sympathetic consideration should be given as the site was located close to the Lok Ma Chau Crossing and could serve as a park-and-ride facility that would help relieve the demand for parking facilities in the area. Other technical concerns could be addressed through implementation of approval conditions.

134. Members had no question on the application.

Deliberation Session

135. The Chairman said that the site had been the subject of 6 previous applications, and all the planning conditions imposed on the latest approved application No. A/YL-ST/229 were complied with. As the site was located close to the Lok Ma Chau Crossing, there was a great demand for parking facilities.

136. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years up to 7.4.2009, on the terms of the application as

submitted to the Town Planning Board and subject to the following conditions :

- (a) the setting back of the site from the works limit of Kowloon-Canton Railway Corporation's work site for the Sheung Shui to Lok Ma Chau Spur Line Project under the Short Term Tenancy No. RDS/SP-004 during the planning approval period;
- (b) no vehicles without valid licences issued under the Road Traffic Ordinance were allowed to be parked/stored on the site;
- (c) only private cars, taxis, light vans and motor bikes were allowed to be parked on the site;
- (d) no car washing and vehicle repair workshop were allowed on the site;
- (e) the drainage facilities on the application site should be maintained at all times during the planning approval period;
- (f) the submission of landscape proposals within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the Town Planning Board by 7.10.2006;
- (g) in relation to (f) above, the implementation of landscape proposals within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the Town Planning Board by 7.1.2007;
- (h) the provision of a 9-litre water type/3 kg dry powder fire extinguisher in the site office within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 7.10.2006;
- (i) if any of the above planning conditions (a), (b), (c), (d) or (e) was not complied with at any time during the planning approval period, the approval hereby given should cease to have effect and should be revoked

immediately without further notice;

- (j) if any of the above planning conditions (f), (g) or (h) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and
- (k) upon 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 Town Planning Board.

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

- (a) resolve any land issues relating to the development with the concerned owner(s) of the application site;
- (b) note the District Lands Officer/Yuen Long's comments that application for Short Term Waiver and Short Term Tenancy should be made to regularize the existing temporary structures and illegal occupation of Government land;
- (c) note the Director of Environmental Protection's advice that the latest "Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites" in operating the business on site should be followed;
- (d) note the Chief Engineer/Mainland North, Drainage Services Department (DSD)'s advice that a set of record photographs showing the drainage implementation works with corresponding photograph locations marked

clearly on the approved drainage plan should be provided for reference. DSD would inspect the completed drainage works jointly with the applicant with reference to the set of photographs. The applicant was fully responsible for the proper maintenance of the drainage facilities on site at his own cost;

- (e) 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 was considered as temporary buildings and were subject to control under the Building (Planning) Regulation Part VII;
- (f) note the Director of Food and Environmental Hygiene's advice that the refreshment kiosk should be covered by appropriate licences from the authority. The applicant's attention was drawn to the Food Business Regulations made under section 56 of Public Health and Municipal Services Ordinance (Cap. 132). The operation of the public car park and ancillary facilities (including refreshment kiosk) should not cause any environmental nuisance to the surroundings. The refuse generated by the proposed car park, ancillary facilities and refreshment kiosk was regarded as trade refuse. The management of the car park was fully responsible for its removal and disposal; and
- (g) note the Chief Engineer/Development(2), Water Supplies Department (WSD)'s advice that an existing water mains would be affected and the applicant should bear the cost of any necessary diversion works affected by the proposed development. In case it was not feasible to divert the affected water mains, a waterworks reserve within 1.5 m from the center line of the water mains should be provided to WSD. No structure should be erected over this waterworks reserve and such area should not be used for storage purposes. No trees or shrubs with penetrating roots should be planted within this waterworks reserve. 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 service across, through or under it which the Water Authority might require or authorize.

[Open Meeting (Presentation and Question Sessions Only)]

- (xxiv) A/YL-TYST/309 Temporary Open Storage of Building/Recycling Materials and Construction Machinery with Ancillary Packaging Activities for a Period of 3 Years in “Undetermined” zone, Various Lots in DD 119 and Adjoining Government Land, Tong Yan San Tsuen, Yuen Long (RNTPC Paper No. A/YL-TYST/309)
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Presentation and Question Sessions

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

- (a) background to the application;
- (b) temporary open storage of building/recycling materials and construction machinery with ancillary packaging activities for a period of 3 years;
- (c) departmental comments – the District Lands Officer/Yuen Long (DLO/YL) did not support the application as the applicant had not applied for regularization of the unauthorized structures and the unauthorized occupation of the adjoining Government land despite repeated warnings. No objection was received from other concerned Government departments;
- (d) no public comment was received during the 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 for reasons given in paragraph 11.2 of the Paper in that the proposed development was in line with the Town Planning Board Guidelines No. 13D for Application for Open Storage and Port Back-up Uses. Previous approval of application No. A/YL-TYST/194 for similar use had been granted at the site and the approval conditions had been complied with. DLO/YL's concerns could be addressed by incorporating an advisory clause as recommended in paragraph 11.4 (b) of the Paper.

139. Members had no question on the application.

Deliberation Session

140. Mr. Francis Ng, Assistant Director/New Territories, Lands Department (LandsD), said that as the applicant refused to apply for Short Term Tenancy, he suggested that such a requirement should be clearly stated as an advisory clause if the application was approved. He further said that the same situation also applied to the previously discussed application No. A/YL-ST/308. In response to the Chairman's enquiry, Mr. Ng said that LandsD had already initiated enforcement and control actions against the irregularities. The Chairman said that an appropriate advisory clause could be incorporated.

141. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years up to 7.4.2009, on the terms of the application as submitted to the Town Planning Board and subject to the following conditions :

- (a) no operation between 11 p.m. and 7 a.m. should be carried out at the application site at any time during the planning approval period, as proposed by the applicant;
- (b) no cleansing and melting of plastic waste or workshop activities should be permitted at the site;
- (c) the landscape planting on the application site should be maintained at any

time during the planning approval period;

- (d) the drainage facilities on the application site should be maintained at any time during the planning approval period;
- (e) the provision of a 9-litre water type/3kg dry powder fire extinguisher and a street fire hydrant in the site office within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 7.10.2006;
- (f) if any of the above planning conditions (a), (b), (c) or (d) was not complied with at any time during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (g) if the above planning condition (e) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and
- (h) upon the expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the Town Planning Board.

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

- (a) resolve any land issues relating to the development with the concerned owner(s) of the application site;
- (b) to apply for Short Term Waiver and Short Term Tenancy to regularize the existing unauthorized temporary structures and illegal occupation of Government land, and to note the District Lands Officer/Yuen Long, Lands Department's comments that no structure should be erected without prior approval from his office. The unauthorized structures erected on Lot 389RP in D.D. 119 had extended to Lot 370RP in D.D. 119, which were

outside the application site boundary. No approval had been given to the applicant to occupy the Government land on the site. The applicant should not use the footpath for open storage at the eastern portion of the application site which appeared to be the only access leading to the graves on the Government land to the south of the application site;

- (c) note the Assistant Commissioner for Transport/New Territories, Transport Department's comments that the land status of the road/path/track leading to the site should be checked with the lands authority. The management and maintenance responsibilities of the same road/path/track should be clarified and the relevant lands and maintenance authorities should also be consulted accordingly;
- (d) note the Director of Environmental Protection's comments that the latest "Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites" issued by his department should be followed; and
- (e) note the Chief Building Surveyor/New Territories West, Buildings Department's comments that all building works were subject to compliance with the Buildings Ordinance (BO). Authorized Person should be appointed to coordinate all building works. The granting of planning approval should not be construed as an acceptance of the unauthorized structures on site under the BO. Enforcement action might be taken to effect the removal of all unauthorized works in the future.

[Open Meeting (Presentation and Question Sessions Only)]

(xxv) A/YL-TYST/310 Proposed Flats and Minor Relaxation
of Plot Ratio Restriction
in "Residential (Group B)1" zone,
Lot 2131 in DD 121,
Tong Yan San Tsuen, Yuen Long
(RNTPC Paper No. A/YL-TYST/310)

Presentation and Question Sessions

143. The Secretary reported that one of the commenters, Kam Lan Koon (a Taoist temple), who had already raised objection to the application during the publication period, requested the Town Planning Board (TPB) Secretariat to table his further comments made on 29.3.2006, which was submitted after the expiry of the publication period that was ended on 24.3.2006, at this meeting for Members' consideration. She drew Members' attention that the commenter's earlier letter of 4.3.2006 had already been included in Appendix III of the Paper. In accordance with the provisions of the Town Planning Ordinance (TPO), the second letter which was filed out-of-time, should be treated as not having been made. The Secretary drew Members' attention to a third letter of 7.4.2006 to the Secretariat of TPB, which was tabled at the meeting, in which the commenter complained that the public notice for the application was only put up at the site on 10.3.2006, a week after the starting date of the 3-week publication period, i.e. 3.3.2006, and that their second letter of 29.3.2006 should not be regarded as being filed out-of-time. The Secretary clarified that the application was published in the newspaper on 3.3.2006, which had satisfied the publication requirement in the TPO. The site notice would only serve as an additional means to notify the public. She added that the commenter's objection to the application had been set out in his first letter to the TPB.

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

- (a) background to the application;
- (b) proposed flats and minor relaxation of plot ratio restriction of "Residential (Group B)1" ("R(B)1") zone;
- (c) departmental comments – the Director of Environmental Protection (DEP) did not support the application mainly on the potential industrial/residential (I/R) interface problem arising from the nearby industrial uses and nuisance caused by heavy vehicles accessing the industrial premises. No objection from other concerned Government departments was received;

- (d) fifteen public comments were received during the publication period, mainly on grounds that the proposed residential development would degrade the living, hygiene, visual and air quality of the environment and affect the law and order of the area. The proposed building height was too high and the increase in population density would create pressure on the traffic capacity and provision of public transport and community/recreational facilities. One commenter, Kam Lan Koon, raised objection on the grounds that the proposed residential development, with an increase in plot ratio, would cause disturbance to the monastery especially to the Taoist Meditation procedure; and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application for reasons given in paragraph 11.1 of the Paper in that the proposed development were in line with the planning intention and development restrictions of the “R(B)1” zone. The current application mainly involved a minor relaxation of plot ratio restriction from 1.0 to 1.0475 (+4.75%) to accord with the maximum gross floor area (GFA) permitted under the lease conditions. 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 “Government, Institution and Community” (“G/IC”) and “Green Belt” (“GB”). Regarding DEP's concern on the potential I/R interface problem, it should be noted that part of the site was the subject of two previously approved applications for residential development (No. DPA/YL-TYST/72 and 87), and residential use was permitted as of right in the “R(B)1” zone. Most of the industrial and open storage uses in the area were unauthorized developments subject to enforcement action. To address DEP's concerns, an approval condition was recommended in paragraph 11.3(a) of the Paper relating to environmental mitigation measures. On the local objections, the proposed parameters including building height were in line with the restrictions of “R(B)1” zone.

145. The Chairman requested for more information on the reasons of objection by

Kam Lan Koon and the justifications to support the relaxation of plot ratio restriction from 1.0 to 1.0475. Referring to the letter of 4.3.2006 submitted by Kam Lan Koon (attached at Appendix III of the Paper), Mr. Wilson Y.L. So, DPO/TMYL, said that the commenter, being the tenant, occupier and user of the adjacent land of the subject site, was surprised that they had not been notified of the current application. They objected to the application on the grounds that a quiet and tranquil environment was necessary for their Taoist meditation. While a number of residential buildings had been developed to the east of the temple, they were located at a distance from the temple and developed in low density. However, the current application site was located immediately next to the temple, and the further relaxation in density and height of the proposed residential development would definitely disturb the existing tranquil environment.

146. Mr. Wilson Y.L. So, making reference to the table of development parameters in paragraph 1.3 of the Paper, further explained that the maximum GFA of 24,410m² as permitted under the lease conditions represented a plot ratio of 1.0475 if only the area zoned “R(B)1” was included in calculation. This was mainly due to the slight difference between the lot boundary and the zoning boundary identified during the processing of land grant, which was not uncommon for land lots in the New Territories. As explained by the applicant, minor relaxation of the plot ratio restriction from 1.0 to 1.0475 would ensure that the maximum GFA permitted under the lease was achievable and that the building development would be confined to the “R(B)1” portion of the site.

147. In reply to a Member’s enquiry, Mr. Wilson Y.L. So informed that the proposed building height of 4 storeys over single-storey car park (15m) was in compliance with the restrictions stipulated for the “R(B)1” zone.

148. A Member asked whether there were any objections received when the previous applications No. DPA/YL-TYST/72 and 87 were approved in June 1995 and April 1996 respectively. Mr. Wilson Y.L. So said that there was no objection received when the previous applications were considered.

Deliberation Session

149. The Chairman remarked that the current application was to rectify the

discrepancy between the lot boundary and the zoning boundary. Such minor boundary encroachment was not uncommon in land grant stage in the New Territories and was considered technical in nature. The proposed minor relaxation in plot ratio restriction would not result in an increase in the previously approved GFA or the building height which was in compliance with the restrictions in the "R(B)1" zone. The Chairman also pointed out that according to the provisions of the Town Planning Ordinance, comments made after the expiration of the statutory time limits should be treated as not having been made. The main concern of Kam Lan Koon appeared to be more on the proposed residential development than the minor relaxation in plot ratio, which was the subject of the current application.

150. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board. The permission should be valid until 7.4.2010, 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 environmental mitigation measures proposals to the satisfaction of the Director of Environmental Protection or of the Town Planning Board;
- (b) the submission and implementation of the vehicular access arrangement, vehicle parking and loading/unloading facilities to the satisfaction of the Commissioner for Transport or of the Town Planning Board; and
- (c) the 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 Town Planning Board.

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

- (a) the Assistant Commissioner for Transport/New Territories, Transport Department's comments that the lands authority and the land status of the road/path/track leading to the site should be checked. 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. Whether the existing and proposed road facilities including footways, pedestrian crossings, etc. in the vicinity of the proposed development were adequate for the commuting of the locals and future occupants etc. should be assessed and advised;

- (b) the Director of Environmental Protection's comments that there was potential Industrial/Residential interface problem arising from the nearby industrial uses. The applicant had to address such issue and recommend effective and practicable mitigation measures. The applicant should evaluate the traffic noise impact on the future residents and recommend adequate mitigation measures;
- (c) 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 area of any internal streets/roads required under section 16(1)(p) of the Buildings Ordinance (BO) should be deducted from the site area for the purpose of site coverage and plot ratio calculations under the BO. The applicant should pay attention to the provision of EVA to all buildings under Building (Planning) Regulation 41D; and
- (d) 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 at 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 the Building (Planning) Regulation 41D.

[Open Meeting (Presentation and Question Sessions Only)]

- (xxvi) A/YL-TYST/311 Renewal of Planning Approval for Temporary Retail Shop for Hardware Groceries under Application No. A/YL-TYST/197 for a Period of 3 Years in “Residential (Group B)1” zone, Lot 1375RP(Part) in DD 121 and Adjoining Government Land, Tong Yan San Tsuen, Yuen Long (RNTPC Paper No. A/YL-TYST/311)
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Presentation and Question Sessions

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

- (a) background to the application;
- (b) renewal of planning approval for temporary retail shop for hardware groceries under Application No. A/YL-TYST/197 for a period of 3 years;
- (c) departmental comments – no objection from concerned Government departments was received;
- (d) forty-six public comments were received during the publication period including the Owners’ Committee of Jasper Court and the local residents. The commenters objected to the application mainly on the grounds of security, environmental hygiene, noise and air nuisance, visual impact, traffic safety, odour generated and storage of inflammable materials and goods, etc., and requested that environmental assessment should be carried out to assess the impacts of noise, air, visual and safety impact associated with the development; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the

application for reasons given in paragraph 12.1 of the Paper in that the temporary retail shop was considered not incompatible with the surrounding land uses located within the adjoining “Industrial” zone across Tong Yan San Tsuen Road. Although the development was not entirely in line with the planning intention of the “Residential (Group B)1” (“R(B)1”) zone, it was small in scale and located at the fringe of the “R(B)1” zone. The Director of Fire Services’ concern on fire safety was a technical issue and could be addressed by imposing an approval condition. Relevant conditions in paragraphs 12.3 (a) to (d) and (f) of the Paper were recommended to address the local concerns. A shorter approval period of 1 year was recommended.

153. A Member asked for the reasons of recommending a shorter approval period of 1 year. Mr. Wilson Y.L. So, DPO/TMYL, said that to his knowledge, the proposed temporary retail shop for hardware groceries under the previous application (No. A/YL-TYST/197) had never commenced operation since the planning permission was granted on 25.4.2003 for a period of 3 years. The site was occupied by a vacant structure, which had aroused suspicion and concern from the local residents. A shorter approval period of 1 year would allow a closer monitoring of the development, such as any adverse impact generated from the operation of the retail shop that might not be anticipated at this stage.

154. A Member noted that the subject site was part of a previous application (No. A/YL-TYST/289) for temporary plant nursery, retail shop and domestic use which was rejected on 24.6.2005. The Member asked the reasons for recommending approval of the current application whilst rejecting the previous one. Mr. Wilson Y.L. So said that Application No. A/YL-TYST/289 covered a much larger site area (584m²) than the current application, and there were adverse comments from the Environmental Protection Department. It contained a warehouse and a plant nursery selling plants and agricultural instruments, which had intensified the retail component as approved under Application No. A/YL-TYST/197 and the impact on the surrounding environment.

155. The Chairman was concerned about whether approving the subject application would set an undesirable precedent for similar applications within the “R(B)1” zone along Tong Yan San Tsuen Road and the cumulative effects of approving such applications would

result in a degradation of the residential environment of the area. Mr. Wilson Y.L. So said that as the site area and proposed uses under the current scheme were the same as the previously approved application (No. A/YL-TYST/197), the past approval had already set the precedent. Other similar applications within the “R(B)1” zone would be assessed on their individual merits.

156. A Member supported a shorter approval period to monitor the progress and impact of the proposed development, but was concerned whether it would cause financial difficulties to the operator. Mr. Wilson Y.L. So pointed out that the retail shop would be accommodated in an existing structure that was left vacant. The proposed development would require a cheaper start-up cost. In response to a Member’s query, he further said that the business was not yet in operation notwithstanding the previous approval as the applicant also needed to obtain a short-term waiver for the proposed use. Another possible reason might be due to the rejection of Application No. A/YL-TYST/289 in June 2005.

Deliberation Session

157. The Chairman remarked that while there were many public comments objecting to the application, their concerns could be addressed by imposing relevant approval conditions. A Member pointed out that as there were concerns on the noise nuisance generated by the workshop, this Member recommended that the operating hours in approval condition (a) should be revised to prohibit operation between 7 p.m. and 8 a.m. Members agreed.

158. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 1 year up to 7.4.2007, on the terms of the application as submitted to the Town Planning Board and subject to the following conditions :

- (a) no operation between 7 p.m. and 8 a.m. should be carried out at the application site at any time during the planning approval period;
- (b) no operation was allowed on any Sundays or public holidays during the planning approval period;

- (c) no workshop/metal cutting activities were allowed to be carried out on the site;
- (d) no loading/unloading activity was allowed to be carried out on the site;
- (e) the drainage facilities on the application site should be maintained at all times during the planning approval period;
- (f) the provision of fire services installations within 3 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 7.7.2006;
- (g) if any of the above planning conditions (a), (b), (c), (d) or (e) was not complied with at any time during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (h) if the above planning condition (f) was not complied with by the specified date, the approval hereby given should cease to have effect and should be revoked immediately without further notice; and
- (i) upon expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the Town Planning Board.

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

- (a) a shorter approval period of 1 year and a shorter compliance period were granted so as to monitor the condition of the site;
- (b) the District Lands Officer/Yuen Long's comments that should there be any breach of conditions of the short-term waiver found on site, his office reserved the right to take appropriate enforcement action accordingly. The applicant was required to exclude the use of Government land on site;

- (c) the Chief Engineer/Mainland North, Drainage Services Department's comments that the applicant should rectify the drainage facilities if it was found inadequate or ineffective during operation;
- (d) the Director of Environmental Protection's comments that the applicant should follow the latest "Code of Practice on Handling Environmental Aspects of Open Storage and Temporary Uses" issued by his department;
- (e) the Director of Fire Services' comments that detailed fire safety requirements would be formulated upon receipt of formal submission of general building plans; and
- (f) the Chief Building Surveyor/New Territories West, Buildings Department's comments that unauthorized structures on site were liable to action under section 24 of the Buildings Ordinance (BO). The granting of planning approval should not be construed as condoning to any structures existing on the site under the BO and the allied regulations. Actions appropriate under the BO or other enactment might be taken if contravention was found. Formal submission of any proposed new works including any temporary structures for approval under the BO was required. If the site was not abutting on or accessible from a street of not less than 4.5m, its development intensity should be determined by the Building Authority under Building (Planning) Regulation 19(3) at the building plan submission stage.

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

Agenda Item 8

Section 16A Applications

[Open Meeting (Presentation and Question Sessions Only)]

- (i) A/YL-KTS/174-2 Application for Amendments to
An Approved Residential Development
in “Residential (Group D)” zone,
Various Lots and Adjoining Government Land in DD 106,
Kam Tin, Yuen Long
(RNTPC Paper No. A/YL-KTS/174-2)
-

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed amendments to the previously approved scheme, in particular the increase in site coverage, reduction of private open space and change in soft/hard landscape design which were within the scope of Class B amendments;
- (c) departmental comments – no objection from concerned Government departments was received, except that the District Officer/Yuen Long (DO/YL) advised that the objector to the previous application, i.e. the Village Representative of Ng Ka Tsuen, maintained his objection on the grounds that the existing access road would not be wide enough to accommodate additional traffic generated, and the environmental hygiene of the surrounding area would be affected by the proposed development; and
- (d) the Planning Department (PlanD)’s views – PlanD had no objection to the application for reasons given in paragraphs 8.1 and 8.2 of the Paper in that

the proposed amendments were required mainly because a portion of the previously approved site area had been resumed by the Government for drainage improvement work. The proposed GFA, flat size and area of the private open space were correspondingly reduced, while the site coverage was slightly increased. There was no change in the major planning parameters as well as in the design and layout of the proposed development. Regarding DEP's comments on the potential I/R interface problem, the adjacent open storage and workshop were suspected unauthorized developments subject to planning enforcement action while some were approved by the Town Planning Board on a temporary basis. The local objection conveyed by DO/YL was the same as that raised under the previously approved scheme.

161. Members had no question on the application.

Deliberation Session

162. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board. The permission should be valid until 13.8.2008, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

- (a) the submission and implementation of a revised Landscape Master Plan, incorporating the findings of a comprehensive tree survey to the satisfaction of the Director of Planning or of the Town Planning Board;
- (b) the implementation of sewage treatment facilities, as proposed by the applicant, to the satisfaction of the Director of Environmental Protection or of the Town Planning Board;
- (c) the submission of a Drainage Impact Assessment and implementation of flood mitigation measures identified therein to the satisfaction of the Director of Drainage Services or of the Town Planning Board;

- (d) the provision of emergency vehicular access, (EVA) and fire service installations to the satisfaction of the Director of Fire Services or of the Town Planning Board; and
- (e) the submission of a detailed Archaeological Investigation to assess the archaeological impact of the proposed construction works at the application site before any construction works commenced and implementation of appropriate mitigation measures if the site was proved to be of archaeological significance to the satisfaction of the Executive Secretary of the Antiquities and Monuments Office (AMO), Leisure and Cultural Services Department (LCSD) or of the Town Planning Board.

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

- (a) the Director of Fire Services' comment that the arrangement of EVA should comply with Part VI of the Code of Practice for Means of Access for Firefighting and Rescue which was administered by the Buildings Department;
- (b) the Chief Engineer/Development(2), Water Supplies Department's comment that the existing water mains would be affected. The applicant should bear the cost of any necessary diversion works affected by the proposed development. In case it was not feasible to divert the affected water mains (south-eastern portion of the site), a waterworks reserve within 1.5m from the centerline of the water mains should be provided. No structure should be erected over this waterworks reserve and such area should not be used for storage purposes;
- (c) the Chief Building Surveyor/New Territories West, Buildings Department's comments that the subject site did not abut on or was not directly accessible from a street of not less than 4.5m wide, the development intensity of the site would be determined by the Building Authority under Building (Planning) Regulation (B(P)R) 19(3). In view of the size of the site, the

area of internal street required under the Buildings Ordinance s16(1)(p) might have to be deducted from the site area for the purposes of plot ratio and site coverage calculations. The proposed clubhouse should be accountable for gross floor area calculation unless otherwise exempted. The applicant's attention was drawn to the provision of EVA under B(P)R 41D. Detailed comment would be made upon formal submission of building plans; and

- (d) the Executive Secretary of AMO, LCSD's comment that the Archaeological Investigation as required in the approval condition (e) should be conducted by a qualified archaeologist who should obtain a licence from the Antiquity Authority under the Antiquities and Monuments Ordinance (Cap.53), and the Grade III historical building on the site should be preserved in-situ as far as possible.

[Open Meeting (Presentation and Question Sessions Only)]

- (ii) A/YL-TYST/112-3 Extension of Time for Commencement of the Approved Concrete Batching Plant for a Period of 4 Months until 8.8.2006 in "Industrial (Group D)" zone, Lot 1842ERP and Adjoining Government Land in DD 121, Tong Yan San Tsuen, Yuen Long (RNTPC Paper No. A/YL-TYST/112-3)
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Presentation and Question Sessions

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

- (a) background to the application;
- (b) extension of time (EOT) for commencement of the approved concrete batching plant under Application No. A/YL-TYST/112 for a period of 4

months until 8.8.2006 (i.e. from 3 years to a total of 5 years and 11 months);

- (c) departmental comments – no objection was received from concerned Government departments except that the District Officer/Yuen Long advised that some local objectors who had raised objection against the previous application maintained their objections to the EOT application. They were of the view that the proposed development would generate adverse air nuisance and traffic congestion to the surrounding areas; and
- (d) the Planning Department (PlanD)'s views – PlanD had no objection to the application for reasons given in paragraph 6.1 of the Paper in that the applicant had submitted the landscape and drainage proposals as well as the parking space arrangement for compliance with the approval conditions. The local concerns on environmental and traffic impacts of the proposed development had already been considered by the Committee in granting the planning permission. The EOT, if approved, would allow more time for the applicant to obtain approval from the Buildings Department (BD) on the building works.

165. A Member sought clarification on the basis of calculating the total EOT. Mr. Wilson Y.L. So, DPO/TMYL, explained that the proposed development was first approved on 8.9.2000 with the permission valid for 3 years. Subsequently the applicant had extended the validity period of the permission 4 times until 8.4.2006 (i.e. 31 months). If the current EOT application for a period of 4 months was approved, a total of 35 months of extensions would have been given for commencement of development.

Deliberation Session

166. The Chairman said that additional time was required for the applicant to obtain approval from BD. It was noted that the proposed development had not yet commenced. The applicant should be advised that he would be required to submit a fresh application if the aggregate of all the extension periods exceeded the original duration for commencement.

167. After deliberation, the Committee decided to approve the application for extension of time for commencement of the approved development on the terms of the application as submitted to the Town Planning Board. The permission should be valid for 4 months until 8.8.2006, 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 implementation of the accepted landscaping proposals to the satisfaction of the Director of Planning or of the Town Planning Board;
- (b) the provision of vehicle parking spaces to the satisfaction of the Commissioner for Transport or of the Town Planning Board; and
- (c) the provision of drainage facilities to the satisfaction of the Director of Drainage Services or of the Town Planning Board.

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

- (a) that a total of 35 months of extensions had been given for commencement of development since the granting of the planning permission with the original duration of 3 years (or 36 months) for commencement of development. Should the applicant wish to seek any further extension of time, submission could be made under section 16A(2) of the Town Planning Ordinance (the Ordinance), provided that the aggregate of all the extension periods would not exceed the original duration for commencement. For extension beyond that period, the applicant would have to submit a fresh application under section 16 of the Ordinance. Reference could be made to the Town Planning Board Guidelines No. 35 and 36 for details;
- (b) the Chief Highway Engineer/New Territories West, Highways Department's comments that the vehicles should not encroach onto the adjacent footpath and the applicant should ensure that the u-channel at the entrance was clear of debris. His office did not maintain the u-channel

beyond the back of the footpath;

- (c) the Director of Environmental Protection's comments that the applicant should observe the requirements of the environmental pollution control ordinances, in particular the Air Pollution Control Ordinance (APCO). If the total silo capacity of the proposed concrete batching plant exceeded 50 tonnes, a SP Licence under the APCO was required for its operation. The applicant should approach his Regional Office (North) for detail before the operation of the proposed use;
- (d) the Director of Fire Services' comments that the applicant should provide emergency vehicular access, water supplies for fire fighting and fire service installations to the proposed development to his satisfaction and detailed fire safety requirements would be formulated upon receipt of formal submission of general building plans; and
- (e) the Chief Building Surveyor/New Territories West, Buildings Department's comments that the granting of approval should not be construed as condoning to any structures existing on the site under the Buildings Ordinance (BO) and the allied regulations. Actions appropriate under the BO or other enactment might be taken if contravention was found. The applicant should follow the requirements as stipulated in PNAP 255 on concrete batching plant. Formal submission of any proposed new works including any temporary structure for approval under the BO was required. If the site was not abutting and accessible from a street having a width of not less than 4.5m, the development intensity should be subject to Building (Planning) Regulation 19(3).

[Open Meeting (Presentation and Question Sessions Only)]

- (iii) A/YL-TYST/285-2 Extension of Time for Compliance with Planning Conditions (d), (e), (f) and (g) under Application No. A/YL-TYST/285 in “Residential (Group C)” zone, Lots 1294(Part), 1295(Part), 1298(Part), 1301(Part), 1302, 1303, 1304(Part), 1305(Part), 1306(Part) and 1307 in DD 119, Pak Sha Tsuen, Tong Yan San Tsuen, Yuen Long (RNTPC Paper No. A/YL-TYST/285-2)
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Presentation and Question Sessions

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

- (a) background to the application;
- (b) extension of time (EOT) for compliance with planning conditions (d), (e), (f) and (g) under Application No. A/YL-TYST/285;
- (c) departmental comments – the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) and the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) advised that they did not support the EOT for conditions (d) and (e) respectively, while the Director of Fire Services (D of FS) advised on 16.3.2006 that condition (f) had been complied with, as detailed in paragraph 5 of the Paper; and
- (d) PlanD’s views – for reasons given in paragraph 6.3 of the Paper, PlanD recommended to extend the time for compliance with approval conditions (d) and (e) for 2 months (instead of 3 months as requested by the applicant) until 7.6.2006 in view of the applicant’s justification and the concern of

CTP/UD&L, PlanD and CE/MN, DSD. PlanD did not support the EOT for condition (g) as the applicant still had sufficient time to implement the condition. As condition (f) had been complied with, EOT was not necessary.

170. Members had no question on the application.

Deliberation Session

171. After deliberation, the Committee decided to approve the application for extending the time limit for compliance with approval conditions (d) and (e) for a shorter extension period of 2 months until 7.6.2006 and not to extend the time limit for compliance with condition (g) for the reason that there should still be sufficient time for implementing the condition.

172. The Committee also agreed to remind the applicant to comply with approval conditions (a), (b), (g), (h), (i) and (j) as stated in the Secretary, Town Planning Board's letter of 21.10.2005, and to expedite his action for compliance with the approval conditions as little progress had been made. No further extension of time would be allowed unless very strong justifications were given.

[The Chairman thanked Mr. Wilson Y.L. So, DPO/TMYL, and Mr. Wilson W.S. Chan, STP/TMYL, for their attendance to answer Members' enquiries. Messrs. So and Chan left the meeting at this point.]

Sai Kung and Islands District

[Mr. Michael C.F. Chan, District Planning Officer/Sai Kung and Islands (DPO/SKIs), and Ms. Ann O.Y. Wong, Senior Town Planner/Sai Kung and Islands (STP/SKIs), were invited to the meeting at this point.]

Agenda Item 9

Section 16 Applications

[Open Meeting (Presentation and Question Sessions Only)]

- (i) A/SK-CWBS/2 Proposed Temporary Private Swimming Pool
for a Period of 3 Years
in “Village Type Development” zone,
Lots 354RP, 389A, 390, 391, 392A,
393A1 and 393B in DD 230,
Tai Hang Hau Village, Sai Kung
(RNTPC Paper No. A/SK-CWBS/2)
-

Presentation and Question Sessions

173. 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) proposed temporary private swimming pool for a period of 3 years;
- (c) departmental comments – no objection from concerned Government departments was received;
- (d) no public comment was received during the 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 for reasons given in paragraph 10.1 of the Paper in that the proposed private swimming pool was small in size (about 38 m²) which would not impose adverse impact on the existing landscape character and infrastructural provisions of the area. Although the swimming pool was not in line with the planning intention of the “Village Type Development” (“V”) zone, there was sufficient land within the zone to meet the 10-year Small House demand of Tai Hang Hau Village.

174. Members had no question on the application.

Deliberation Session

175. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years up to 7.4.2009, on the terms of the application as submitted to the Town Planning Board and subject to the following conditions :

- (a) the submission of landscaping proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the Town Planning Board;
- (b) in relation to (a) above, the implementation of the accepted landscaping proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the Town Planning Board;
- (c) the submission of design of the retaining wall including colour scheme, finishing materials and screen planting for the proposed development to mitigate the potential visual impact on the surrounding area within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the Town Planning Board;
- (d) in relation to (c) above, the implementation of the mitigation measures identified therein within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the Town Planning Board; and

- (e) if any of the above planning conditions (a), (b), (c) or (d) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice.

176. The Committee also agreed to advise the applicant to liaise with the Director of Water Supplies regarding the provision of water supply facilities within the application site.

[Open Meeting (Presentation and Question Sessions Only)]

- (ii) A/SK-HC/128 Temporary Private Garden for a Period of 3 Years in 'Road' and "Village Type Development" zones, Government Land in DD 244, Ho Chung New Village, Sai Kung (RNTPC Paper No. A/SK-HC/128)
-

Presentation and Question Sessions

177. 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) temporary private garden for a period of 3 years;
- (c) departmental comments – no objection from concerned Government departments was received;
- (d) no public comment was received during the 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 for reasons given in paragraph 10.1 of the Paper in that although the temporary private garden mainly fell within an area designated

as 'Road', there was no implementation programme for the proposed road. The garden use was not incompatible with the surrounding land uses which were predominantly village houses.

178. In reply to the Chairman's enquiry, Ms. Ann O.Y. Wong said that the subject site was mainly reserved for the development of an access road to facilitate traffic circulation within the area and serve as an emergency vehicular access. However, there was no implementation programme for this road.

Deliberation Session

179. The Chairman said that a similar application (No. A/SK-HC/126) was approved on 17.2.2006 for garden use at the adjoining house to the north of the subject site. In considering the similar application, it was generally agreed that the temporary garden for 3 years could be tolerated as it would improve the amenity of the area, and would not pre-empt the implementation of the road project in future.

180. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years up to 7.4.2009, on the terms of the application as submitted to the Town Planning Board.

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

- (a) note the Director of Water Supplies' comments that the applicant might need to extend the inside service to the nearest Government water mains for connection, and to bear the cost and sort out the land matter associated with the main laying and subsequent maintenance of the water mains in private lots; and
- (b) return the Government land within the application site upon demand by the District Lands Officer/Sai Kung without delay when the road project was implemented in future.

[Open Meeting (Presentation and Question Sessions Only)]

- (iii) A/SK-PK/147 Proposed 29 New Territories Exempted Houses (NTEHs) (Small Houses) in “Green Belt” zone, Lots 1250, 1252, 1254, 1255, 1256, 1257, 1259, 1261, 1262, 1264, 1265, 1266, 1268, 1269, 1270, 1273, 1274, 1276, 1277, 1278, 1280RP, 1281RP, 1282RP and 1283 in DD 222, Uk Cheung, Sai Kung (RNTPC Paper No. A/SK-PK/147)
-

Presentation and Question Sessions

182. 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) proposed 29 New Territories Exempted Houses (NTEHs) (Small Houses);
- (c) departmental comments – no objection from concerned Government departments was received;
- (d) one public comment was received during the publication period from a Green Group raising objection on the grounds that the proposed development was incompatible with the planning intention of the “Green Belt” (“GB”) zone and the application site fell outside the “Village Type Development” (“V”) zone and the village ‘environ’ (‘VE’) of Uk Cheung Village; and
- (e) the Planning Department (PlanD)’s views – PlanD did not support the application for reasons given in paragraph 13.1 of the Paper in that the proposed development was not in line with the planning intention of the “GB” zone and the Town Planning Board Guidelines No. 10 for

Application for Development within “GB” Zone. It also did not comply with the Interim Criteria for Consideration of Application for NTEH/Small House in the New Territories. There was insufficient information in the submission to demonstrate that the proposed development would not have adverse landscape, traffic and slope stability impacts on the surrounding areas. Approval of the application would set an undesirable precedent.

183. Members had no question on the application.

Deliberation Session

184. The Chairman said that most of the vegetation within the application site had been cleared and the ponds had been filled. The application site was outside the “V” zone and the ‘VE’ of Uk Cheung Village and thus could not meet the interim criteria of assessing applications for Small House development. Approval of the application would set a bad precedent and encourage similar unauthorized tree felling and pond filling activities prior to obtaining planning permission for the proposed development. Enforcement action should be taken against such activities.

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

- (a) the application sites were rural in character and predominantly surrounded by natural woodland. The planning intention of the “Green Belt” (“GB”) zone was primarily for defining the limits of sub-urban development areas by natural features and there was a general presumption against development. The proposed 29 Small House developments were considered not compatible with surrounding areas and not in line with the planning intention of the “GB” zoning. Moreover, there were no exceptional circumstances and planning merits to justify the approval of the application;
- (b) the application did not comply with the Interim Criteria for consideration of application for New Territories Exempted House/Small House in the New

Territories as the sites entirely fell outside both the “Village Type Development” (“V”) zone and the village ‘environ’ of Uk Cheung Village;

- (c) Small House sites had already been reserved within the “V” zones of Uk Cheung Village and there was insufficient information in the submission to demonstrate that land could not be made available for Small House developments within the “V” zones;
- (d) the application did not meet the guidelines for development within “GB” zone because the proposed Small House developments would adversely affect the landscape quality of the application sites and their surrounding areas;
- (e) the proposed Small House developments might affect the stability of the natural slopes. There was insufficient information in the submission to demonstrate that the proposed development would not have adverse impact on the slope stability of the area;
- (f) the proposed Small House developments would generate additional traffic, thereby aggravating the traffic conditions of Pak Kong Road and Hiram’s Highway. There was insufficient information in the submission to demonstrate that the proposed development would not generate adverse traffic impact on the area; and
- (g) the approval of the application would set an undesirable precedent for similar applications within the “GB” zones. The cumulative effect of approving such applications would result in encroachment on the “GB” zone by developments, and creation of adverse impacts on the natural landscape, traffic and infrastructure provisions in the area.

[Open Meeting (Presentation and Question Sessions Only)]

- (iv) A/SK-TMT/12 Proposed New Territories Exempted House (NTEH) (Small House) in “Green Belt” zone, Lot 169A and 169RP in DD 257, Wong Yi Chau, Sai Kung (RNTPC Paper No. A/SK-TMT/12)
-

Presentation and Question Sessions

186. 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) proposed New Territories Exempted House (NTEH) (Small House);
- (c) departmental comments – no objection from concerned Government departments was received;
- (d) no public comment was received during the 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 for reasons given in paragraph 13.1 of the Paper in that the proposed development was not in line with the planning intention of the “Green Belt” (“GB”) zone, as well as the Town Planning Board Guidelines No. 10 for Application for Development within “GB” Zone. The proposed development would have adverse impact on the existing landscape which was well vegetated with shrubs and trees. Approval of the application would set an undesirable precedent for other similar applications in the “GB” zone. Although the application site was located within the village ‘environ’ (‘VE’) of Wong Yi Chau Village, due to the limited scope for the provision of an emergency vehicular access to serve

the village in the future, it was intended to consolidate and confine village developments to the already established areas.

187. In response to a Member's enquiry, Mr. Michael C.F. Chan, DPO/SKIs, said that the 'VE' was shown on Plan A-1 in the Paper.

Deliberation Session

188. The Chairman said that as the majority portion of the 'VE' was zoned "GB" on the Outline Zoning Plan (OZP), due consideration should be given to the impact on the surrounding natural environment in assessing proposed Small House developments. The application sites were the subject of objections when the draft Tai Mong Tsai and Tsam Chuk Wan Development Permission Area Plan and later the OZP were exhibited for public inspection and comment in 2000 and 2003 respectively. The Town Planning Board decided not to propose amendments to the plans to meet the objections.

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

- (a) the proposed development was not in line with the planning intention of the "Green Belt" ("GB") zone. There were no exceptional circumstances or planning merits to merit a departure from the planning intention;
- (b) the application did not comply with the Interim Criteria for Consideration of Application for New Territories Exempted House/Small House in New Territories in that sufficient land was available in the "Village Type Development" zones in the area to meet the Small House demand of Wong Yi Chau Village; and
- (c) the approval of the application would set an undesirable precedent for other similar applications within the "GB" zone. The cumulative impacts of approving such applications would result in encroachment of the "GB" zone by developments and create adverse impact on natural landscape in the area.

[Open Meeting (Presentation and Question Sessions Only)]

- (v) A/SK-TMT/13 Private Swimming Pool for a House
in “Green Belt” and “Residential (Group C)1” zones,
Lot 246 in DD 252 and Extension Thereto,
1 Fung Sau Road,
Tso Wo Hang, Sai Kung
(RNTPC Paper No. A/SK-TMT/13)
-

Presentation and Question Sessions

190. 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) private swimming pool for a house;
- (c) departmental comments – no objection from concerned Government departments was received;
- (d) no public comment was received during the 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 for reasons given in paragraph 11.1 of the Paper in that the garden area, including the existing swimming pool, had already been used as a private garden prior to the gazettal of the Development Permission Area Plan. The application was for the continued use of an existing swimming pool with no additional construction work proposed. The open-air swimming pool was small in scale (66m²) and would not cause any adverse impact to the surrounding area.

191. Members had no question on the application.

Deliberation Session

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

Remarks

193. The Chairman said that the remaining item in the Agenda would not be open for public viewing as the proposed amendments to the draft Sai Kung Town Outline Zoning Plan were to be processed under the pre-amended Town Planning Ordinance.

Agenda Item 10

Draft Sai Kung Town Outline Zoning Plan No. S/SK-SKT/2
Land Use Review of the “Government, Institution or Community” (“G/IC”) Core
in Sai Kung Town North and
Proposed Building Height Restrictions for “G/IC” Sites in Sai Kung Town
(RNTPC Paper No. 14/06)

194. Ms. Ann O.Y. Wong, STP/SKIs, stated the background to the proposed amendments to the draft Sai Kung Town Outline Zoning Plan (OZP) No. S/SK-SKT/2 as detailed in the Paper. The amendments were to incorporate the recommendations of the land use review of the “G/IC” core in Sai Kung Town North and the proposed building height (BH) restrictions for the “G/IC” sites in Sai Kung Town. The review was carried out upon the request of the Objections Hearing Committee when considering the objections to the draft Sai Kung Town OZP No. S/SK-SKT/1. With the aid of a powerpoint presentation, Ms. Wong went through the proposed amendments which were summarised as follows:

- (a) the “G/IC” core was originally reserved for the reprovisioning of Sai Kung District Community Centre, two secondary schools, an indoor recreation centre and a sewage pumping station as shown on Plan 2 of the Paper. As the sewage pumping station was already at an advanced stage and could not

be relocated elsewhere, and there was a need to reserve one school site thereat, the remaining school site was proposed to be relocated to the northern end of the “G/IC” core with the remaining area (about 1.4 ha) designated for an integrated ‘town square’ development and rezoned from “G/IC” to “Other Specified Uses” annotated “Town Square with Recreational, Community and Commercial Uses” (“OU/TS”). A maximum plot ratio (PR) of 0.8, a maximum BH of 3 storeys and a maximum site coverage of 30% were proposed to ensure its compatibility with the adjoining open-air sports facilities and low-rise coastal developments. With the pedestrianisation of Mei Yuen Street, the proposed town square area would provide a new focal point in Sai Kung North. Its ‘mid-way’ location would also encourage pedestrian movements between the inland and the waterfront areas; and

- (b) in order to preserve the rural character and to ensure compatibility with the existing built form and the surrounding area, a stepped height concept for Sai Kung Town was adopted. Developments at Sai Kung Town North were proposed to descend gradually from a maximum of 8-storey for areas in the vicinity of Tai Mong Tsai Road, to a maximum of 3-storey along the waterfront. It was proposed to divide the “G/IC” zones into 6 sub-zonings with BH ranging from 1 to 8 storeys, as detailed in paragraph 5.3 of the Paper.

195. Ms. Ann O.Y. Wong said that the Economic Development Committee (EDC) of Sai Kung District Council (SKDC) was consulted on the above proposals on 16.2.2006. Members generally supported the town square development and had no adverse comments on the proposed BH restrictions for the “G/IC” sites in Sai Kung Town. However, some Members suggested to enlarge the “OU/TS” site by including the remaining school site, or having joint development with the adjoining Wai Man Road Playground for a larger town square.

196. Regarding the EDC’s suggestions, the Secretary for Education and Manpower (SEM) advised that the remaining school site was required to meet the long-term school requirement, but could be released for short-term uses which was complementary to the town square development prior to school development. The Director of Leisure and Cultural

Services advised that the Wai Man Road Playground provided mainly active sports facilities for local residents and visitors. In view of the local needs for such facilities and the high capital cost involved, there was no immediate plan to reshuffle the existing sports facilities. Nevertheless, should there be any future renovation/upgrading works at the playground, the existing sports facilities could be re-designed to tie in with the adjoining town square development.

197. Members had the following questions :

- (a) whether the SKDC agreed to reserve only one school site;
- (b) whether the proposed maximum BH restrictions of 5 storeys and 8 storeys for “G/IC (4)” and “G/IC (5)” zones were compatible with the surrounding areas;
- (c) whether the proposed town square development could facilitate a better pedestrian movement from inland area to the waterfront; and
- (d) whether the current proposals had taken into account the improvement works recently carried out by the Architectural Services Department (ArchSD) at the pier and the surrounding area.

198. Mr. Michael C.F. Chan, DPO/SKIs, made the following points:

- (a) some members of EDC of SKDC preferred to have the remaining school site released for enlarging the “OU/TS” zone. The requirement for a school site was confirmed by SEM taking into account the latest projected requirement and distribution of schools in the Sai Kung district. The demand for school sites would however be closely monitored;
- (b) the proposed BH restrictions were mainly to reflect the height of the existing buildings, such as Marine Police East Divisional Headquarters (5 storeys) and Sai Kung Government Offices (8 storeys), or to meet the minimum height requirement of designated G/IC facilities such as school.

Due regard had already been given to the stepped height concept for Sai Kung Town and the need to maintain compatible building masses in the local setting;

- (c) the “G/IC” core was located between the waterfront sites planned for commercial and tourism related uses (including hotels) and the “Comprehensive Development Area” sites planned for commercial and residential uses to the northeast. The proposed town square would facilitate pedestrian movements between the inland and the waterfront areas. Moreover, with the pedestrianisation of Mei Yuen Street and the proposed public transport interchange/public car park to the west of the site, the proposed town square would further enhance pedestrian connection with the coastal areas and to provide a pedestrian-friendly environment for the visitors and tourists; and
- (d) ArchSD had been consulted and was in support of the proposals.

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

199. Members noted the views of EDC of SKDC and agreed with the proposed amendments.

200. After deliberation, the Committee :

- (a) noted the results of the review on land uses for the “G/IC” core in Sai Kung Town North and the proposed BH restrictions for the “G/IC” sites in Sai Kung Town in paragraphs 4 and 5 of the Paper;
- (b) noted the comments of SKDC’s EDC on the review of land uses for the “G/IC” core in Sai Kung Town North and the proposed BH restrictions for the “G/IC” sites in Sai Kung Town in paragraph 6 of the Paper;
- (c) agreed that the draft Sai Kung Town Outline Zoning Plan (OZP) No. S/SK-SKT/2A at Appendix I of the Paper (to be re-numbered as S/SK-SKT/3 upon exhibition) and its revised Notes at Appendix II of the

Paper were suitable for exhibition for public inspection under section 7 of the Town Planning Ordinance;

- (d) adopted the revised Explanatory Statement (ES) at Appendix III of the Paper as an expression of the planning intentions and objectives of the Town Planning Board (TPB) for various land use zones of the draft OZP and issued under the name of the TPB; and
- (e) agreed that the updated ES was suitable for exhibition for public inspection together with the draft OZP.

[The Chairman thanked Mr. Michael C.F. Chan, DPO/SKIs, and Ms. Ann O.Y. Wong, STP/SKIs, for their attendance to answer Members' enquiries. Mr. Chan and Ms. Wong left the meeting at this point.]

Agenda Item 11

Any Other Business

201. There being no other business, the meeting was closed at 6:30 p.m..

(Chairman)

Rural and New Town Planning Committee