

TOWN PLANNING BOARD

Minutes of 326th Meeting of the Rural and New Town Planning Committee held at 2:30 p.m. on 19.5.2006

Present

Director of Planning
Mr. Bosco C.K. Fung

Chairman

Mr. Michael K.C. Lai

Vice-chairman

Ms. Carmen K.M. Chan

Dr. Lily Chiang

Mr. Tony C.N. Kan

Mr. Edmund K.H. Leung

Mr. Alfred Donald Yap

Mr. B.W. Chan

Mr. Y.K. Cheng

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

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

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

Secretary

Absent with Apologies

Professor Nora F.Y. Tam

Mr. David W.M. Chan

Professor David Dudgeon

Professor Peter R. Hills

Dr. C.N. Ng

Ms. Anna S.Y. Kwong

Dr. James C.W. Lau

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

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

In Attendance

Assistant Director of Planning/Board
Mr. Lau Sing

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

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

Agenda Item 1

Confirmation of the Draft Minutes of the 325th RNTPC Meeting held on 28.4.2006

[Open Meeting]

1. The draft minutes of the 325th RNTPC meeting held on 28.4.2006 were confirmed subject to the approval condition (b) in paragraph 170 of the minutes be amended to read “the submission of a revised MLP showing separate alienation of Government land in the north-eastern part of the site to the satisfaction of the Director of Lands or of the Town Planning Board”.

Agenda Item 2

Matters Arising

[Open Meeting]

2. The Secretary reported that the applicant’s representative of Application No. A/YL-ST/308 on 10.5.2006 wrote to the Board seeking clarification on the advisory clause (b) related to the approval of the application (paragraph 137 of the confirmed minutes of 324th RNTPC meeting held on 7.4.2006 referred). To rectify an editorial error, the Secretary proposed to amend the advisory clause to read “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”. Members had no objection to the proposed amendment. The applicant and concerned Government departments would be informed accordingly.

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 3

Section 16 Applications

[Open Meeting (Presentation and Question Sessions Only)]

- (i) A/TM-LTY Y/138 Temporary Open Storage of Scrap Metal and Waste Paper (for Recycling) with Ancillary Office and Weighing Station for a Period of 3 Years in “Residential (Group B)1” zone, Lot 771RP in DD 130 and Adjoining Government Land, Castle Peak Road, Lam Tei Section, Lam Tei, Tuen Mun
(RNTPC Paper No. A/TM-LTY Y/138)
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Presentation and Question Sessions

3. 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 scrap metal and waste paper (for recycling) with ancillary office and weighing station for a period of 3 years;
 - (c) departmental comments – no objection from concerned Government departments was received;
 - (d) no public comment was received during the statutory publication period and no local objection was received from the District Officer; and
 - (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application for reasons detailed in paragraph 12.2 of the Paper.
4. Members had no question on the application.

Deliberation Session

5. The Chairman said that the current application had the same site area and the same applied use as the previously approved scheme (Application No. A/TM-LTYY/95). The approval conditions imposed on the previous application had all been complied with by the applicant.

6. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years up to 19.5.2009, on the terms of the application as submitted to the Town Planning Board and subject to the following conditions :

- (a) the landscape planting on the site should be maintained at all times, including replacement of dead plants, during the planning approval period;
- (b) the site paving and fencing on the site should be maintained at all times during the planning approval period;
- (c) the submission of the condition record of the existing drainage facilities on site as previously implemented under planning application No. A/TM-LTYY/95 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 19.8.2006;
- (d) 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 19.11.2006;
- (e) if any of the above conditions (a) or (b) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (f) if any of the above conditions (c) or (d) was not complied with by the specified date, the approval hereby given should cease to have effect and

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

- (g) upon 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.

7. 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/Tuen Mun's comments that application for a Short Term Waiver to regularize the structures erected on site as well as Short Term Tenancy to legalize the occupation of Government Land should be made;
- (c) note the Chief Building Surveyor/New Territories West, Buildings Department's comments that all unauthorized building works/structure(s) existing on site should be removed. Authorized person should be appointed to co-ordinate and to submit demolition proposals to the Building Authority (BA) for approval, if so required under the Buildings Ordinance. If new structures/building works were proposed for erection on site, the appointed authorized person should submit plans to the BA for approval prior to commencement of any new building works. If building proposals were submitted to the BA for approval, the site should be accessible from a road of not less than 4.5m wide, otherwise the development intensity would be subject to application of Building (Planning) Regulation 19(3); and
- (d) 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)]

- (ii) A/TM-LTYY/139 Temporary Metal and Plastic Workshop
for a Period of 3 Years
in “Residential (Group E)” zone,
Government Land in DD 130,
San Hing Tsuen, Tuen Mun
(RNTPC Paper No. A/TM-LTYY/139)
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Presentation and Question Sessions

8. 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 metal and plastic workshop for a period of 3 years;
- (c) departmental comments – no objection from concerned Government departments was received;
- (d) no public comment was received during the statutory publication period and no local objection was received from the District Officer; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application for reasons detailed in paragraph 10.1 of the Paper.

9. Members had no question on the application.

Deliberation Session

10. In response to the Chairman’s question, Mr. Wilson Y.L. So, DPO/TMYL, said that the current application applied to extend the built-over area of the existing workshop from 263m² to 400m² without any increase in the site area.

11. Mr. Francis Ng pointed out that site inspection revealed that structures were erected on site with a total gross floor area of 520m² instead of 400m². Mr. Wilson Y.L. So said that, if the application was approved, the approved area for the workshop would be the same as that applied for under the current submission, i.e. 400m². In case the area of the workshop exceeded that approved in the current application, a new planning permission would be required.

12. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years up to 19.5.2009, on the terms of the application as submitted to the Town Planning Board and subject to the following conditions :

- (a) the submission of landscape 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 19.11.2006;
- (b) in relation to (a) above, the implementation of the 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 19.2.2007;
- (c) the provision of fire service installations within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 19.11.2006;
- (d) if any of the above conditions (a), (b) or (c) 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
- (e) 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.

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

- (a) note the District Lands Officer/Tuen Mun's comments that application for a

fresh short term tenancy should be made to regularize the extra occupation on Government Land;

- (b) note the Chief Building Surveyor/New Territories West, Buildings Department's comments that unauthorized structures on site, which were liable to action under section 24 of the Buildings Ordinance (BO), should be removed. The granting of this 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. Erection of workshop and store room were considered as temporary buildings and were subject to control under Building (Planning) Regulations Part VII. Formal submission of any proposed new building works for approval under the BO was required;
- (c) note the Director of Fire Services' comments that the Dangerous Goods Division of his department should be approached if storage/use of dangerous goods was required on the site; and
- (d) follow the "Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites" issued by the Environmental Protection Department.

[Open Meeting (Presentation and Question Sessions Only)]

- (iii) A/YL-HT/444 Proposed Three New Territories Exempted Houses (NTEHs) (Small Houses) in "Village Type Development" and "Recreation" zones, Lots 1744A, 1744J and 1744K in DD 125, San Uk Tsuen, Ha Tsuen, Yuen Long (RNTPC Paper No. A/YL-HT/444)
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Presentation and Question Sessions

14. 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 three NTEHs (Small Houses);
- (c) departmental comments – no objection from concerned Government departments was received;
- (d) no public comment was received during the statutory publication period and no local objection was received from the District Officer; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the proposed NTEH at Lot 1744J but did not support the proposed NTEHs at Lots 1744A and 1744K for the reasons detailed in paragraph 13.1 of the Paper. The proposed NTEH at Lot 1744J fell within the “Village Type Development” (“V”) zone and the village ‘environs’ (‘VE’) of San Uk Tsuen whereas the proposed ones at Lots 1744A and 1744K were located outside the “V” zone and the ‘VE’. The latter ones did not comply with the interim criteria for assessing planning applications for NTEH in the New Territories and were not in line with the planning intention of the “Recreation” zone.

15. Members had no question on the application.

Deliberation Session

16. After deliberation, the Committee decided to approve the proposed NTEH at Lot 1744J, on the terms of the application as submitted to the Town Planning Board. The permission should be valid until 19.5.2010, 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 landscape proposals to the satisfaction of the Director of Planning or of the Town Planning Board;
- (b) the submission of drainage proposals and the provision of drainage facilities identified therein to the satisfaction of the Director of Drainage Services or of the Town Planning Board; and
- (c) the submission and implementation of run-in/run-out proposals to the satisfaction of the Director of Highways or of the Town Planning Board.

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

- (a) resolve any land issue relating to the development with the concerned owner(s) of the application site;
- (b) note the comments of the Chief Engineer/Mainland North, Drainage Services Department that the District Lands Officer/Yuen Long (DLO/YL) should be consulted and consents from relevant land owners should be obtained with regard to all proposed drainage works outside the site boundary or outside the applicant's jurisdiction. All proposed drainage facilities should be constructed and maintained at the applicant's own costs. All drainage facilities should be properly maintained and rectified if they were found inadequate or ineffective during operation. The applicant should be liable for and indemnify claims and demands arising from any damage or nuisance caused by a failure of all drainage facilities;
- (c) note the comments of the Chief Engineer/Development (2), Water Supplies Department (WSD) that the inside services should be extended to the nearest government water mains for connection for provision of water supply to the development. Land matter (such as private lots) associated with the provision of water supply should be resolved. The applicant should be responsible for the construction, operation and maintenance of

the inside services within the private lots to WSD's standards;

- (d) note the comments of the Director of Fire Services that emergency vehicular access (EVA) and fire hydrant should be observed and provided in accordance with the 'Guidelines Regarding the Delineation of Large Development of NTEHs for the Purpose of Implementing EVA Requirements'. Detailed fire safety requirements on EVA and fire hydrant would be formulated upon the receipt of formal application referred by DLO/YL;
- (e) note the comments of the Chief Highway Engineer/New Territories West, Highways Department that the run-in should be constructed at the access point and in accordance with the latest version of Highways Department's Standard Drawings No. H1113 and H1114 or H5115 and H5116 whichever appropriate to suit the type of adjacent footpath, and that his Office was not responsible for maintenance of the access track between the site and Tin Ha Road; and
- (f) note the comments of the Chief Building Surveyor/New Territories West, Buildings Department that all non-exempted ancillary site formation and/or communal drainage works were subject to compliance with the Buildings Ordinance, and Authorised Person should be appointed for the site formation and communal drainage works.

18. After deliberation, the Committee decided to reject the proposed NTEHs at Lots 1744A and 1744K and the reasons were :

- (a) the proposed NTEHs (Small Houses) were not in line with the planning intention of the "Recreation" ("REC") zone which was to designate areas for developments restricted to recreational uses. "REC" zone encouraged the development of recreation and tourism. No strong justification had been provided in the submission for a departure from the planning intention;

- (b) the proposed NTEHs (Small Houses) did not comply with the interim criteria for assessing planning applications for NTEH/Small House development in that the proposed NTEHs were both outside the village environs of recognized villages and the “Village Type Development” (“V”) zone. There was insufficient information in the submission to demonstrate why suitable sites could not be made available within the areas zoned “V” for the proposed Small House development;
- (c) Small Houses should be developed within the “V” zone so as to ensure an orderly development and the sufficient provision of infrastructure. Approval of the application would set an undesirable precedent for other similar applications in the areas; and
- (d) there was insufficient information in the submission to demonstrate that there would not be any adverse drainage impact on the surrounding areas.

[Open Meeting (Presentation and Question Sessions Only)]

- (iv) A/YL-HT/449 Temporary Open Storage of Recycling Materials (Plastic, Paper and Metal) for a Period of 3 Years in “Undetermined” zone, Short Term Tenancy No. 1869, Government Land in DD 125, Ha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-HT/449)
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Presentation and Question Sessions

19. 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 recycling materials (plastic, paper and metal) for

a period of 3 years;

- (c) departmental comments – no objection from concerned Government departments was received;
- (d) no public comment was received during the statutory publication period and no local objection was received from the District Officer; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application for reasons detailed in paragraph 12.2 of the Paper. In order to minimise possible environmental impacts, an approval condition restricting workshop activities was recommended in paragraph 12.3(a) of the Paper. The applicant would also be advised to follow the latest “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites”.

20. A Member asked whether the approval condition in paragraph 12.3(a) of the Paper could address the air quality-related environmental complaint pertinent to the site. Mr. H.M. Wong said that there were many environmental complaints received in Ha Tsuen area on traffic noise and air quality problems which were caused by the movement of large vehicles and workshop activities. The previously approved application No. A/YL-HT/259 was not supported by EPD as it involved the movement of large vehicles in the area. While the approval condition restricting the workshop activities would help addressing the air quality problem caused by dismantling, repairing and cleansing activities, it might not be effective in tackling traffic emission problem from large vehicles. The Chairman said that it would not be reasonable to request the applicant to address off-site environmental problems and that the approval condition restricting workshop activities on site would help minimizing possible environmental impact generated by the proposed development.

Deliberation Session

21. The Secretary suggested that, if the application was approved, the applicant should be advised to note the environmental complaint pertinent to the site and to take necessary measures to ensure that the operation would not cause environmental nuisance on the surrounding areas. Mr. H.M. Wong added that the use of smaller vehicles by the applicant in transporting recycling materials to and from the site would help minimizing the traffic emission impact.

22. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years up to 19.5.2009, on the terms of the application as submitted to the Town Planning Board and subject to the following conditions :

- (a) no workshop activities including dismantling, repairing and cleansing should be carried out at the site at any time during the planning approval period;
- (b) the drainage facilities on the application site should be maintained at all times during the planning approval period;
- (c) the landscape planting on the application site should be maintained at all times during the planning approval period;
- (d) the submission of the condition record of the existing drainage facilities within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 19.8.2006;
- (e) the replacement of 6 dead trees on the site within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the Town Planning Board by 19.8.2006;
- (f) the submission of run-in proposals within 6 months from the date of planning approval to the satisfaction of the Director of Highways or of the

Town Planning Board by 19.11.2006;

- (g) in relation to (f) above, the implementation of the accepted run-in proposals within 9 months from the date of planning approval to the satisfaction of the Director of Highways or of the Town Planning Board by 19.2.2007;
- (h) the submission of fire service installations proposals within 6 months from the date of the planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 19.11.2006;
- (i) in relation to (h) above, the implementation of the fire service installations proposals within 9 months from the date of the planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 19.2.2007;
- (j) if any of the above planning conditions (a), (b) or (c) was not complied with during the approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (k) if any of the above planning conditions (d), (e), (f), (g), (h) or (i) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and
- (l) upon expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the Town Planning Board.

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

- (a) note that an environmental complaint pertinent to the application site was received by the Environmental Protection Department. Necessary measures should be taken to ensure that the operation on site would not generate environmental nuisance on the surrounding areas, including the

use of medium goods vehicles in transportation of materials to and from the site;

- (b) 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 impacts on the adjacent area;
- (c) note the comments of the Chief Engineer/Mainland North of Drainage Services Department to rectify those facilities if they were found inadequate/ineffective during operation;
- (d) note the comments of the Assistant Commissioner for Transport/New Territories, Transport Department to clarify the land status and management/maintenance responsibilities of the access road leading to the site and to consult the relevant lands/maintenance authorities; and
- (e) note the comments of the Chief Highway Engineer/New Territories West of Highways Department (HyD) that the run-in should be constructed in accordance with the latest version of HyD’s Standard Drawing Nos. H1113 and H1114 or H5115 and H5116 whichever set as appropriate to suit the type of pavement of adjacent footpath and that his Office did not maintain the access track between the site and Ping Ha Road;
- (f) note the comments of the Director of Fire Services that detailed fire safety requirements would be formulated upon receipt of formal submission of general building plan;
- (g) note the comments of the Chief Engineer/Development(2), Water Supplies Department (WSD)’s comments that the applicant might need to extend his/her inside services to the nearest government water mains for connection. The applicant should resolve any land matter (such as private lots) associated with the provision of water supply and should be responsible for the construction, operation and maintenance of the insider

services within the private lots to WSD's standards; and

- (h) note the comments of the Chief Building Surveyor/New Territories West, Buildings Department that all building works were subject to compliance with the Buildings Ordinance (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)]

- (v) A/YL-HT/450 Temporary Open Storage of Construction Materials and Machinery for a Period of 3 Years in "Recreation" zone, Lots 1161(Part), 1198(Part), 1199A, 1199B(Part), 1200(Part), 1201(Part), 1202A, 1202B, 1203(Part), 1204(Part), 1205(Part), 1206(Part), 1207(Part), 1208 and 1213(Part) in DD 125, Ha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-HT/450)
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Presentation and Question Sessions

24. 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 machinery 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. The

Assistant Commissioner for Transport/New Territories, Transport Department (AC for T/NT, TD) was concerned about the likely heavy vehicular traffic which would further stiffen the traffic pressure in the Ha Tsuen area;

- (d) no public comment was received during the statutory publication period and no local objection was received from the District Officer; and
- (e) the Planning Department (PlanD)'s views – PlanD did not support the application for reasons detailed in paragraph 12.2 of the Paper. The proposed development was not compatible with the nearby village settlements. It did not meet the Town Planning Board (TPB) Guidelines No. 13D for 'Application for Open Storage and Port Back-up Uses'. There was insufficient information in the submission to demonstrate that the development would not have adverse environmental, traffic, drainage and landscape impacts on the surrounding areas.

Deliberation Session

25. A Member asked why the applicant repeatedly submitted applications despite they were all rejected by the TPB. The Chairman said that before the commencement of the Town Planning (Amendment) Ordinance 2004, the applicants could make use of the process of planning applications as a defence to delay the enforcement action taken by the Planning Authority. It could also be due to the fact that no fee was currently charged for the submission of planning applications.

26. After deliberation, the Committee decided to reject the application and the reason was that the development was not in line with the Town Planning Board Guidelines No. 13D for Application for Open Storage and Port Back-up Uses in that there were major adverse comments from Government departments and there was insufficient information in the submission to demonstrate that the development would not have adverse environmental, traffic, drainage and landscape impacts on the surrounding areas.

[Open Meeting (Presentation and Question Sessions Only)]

(vi) A/YL-PH/516 Temporary Open Storage of Second-hand Vehicles and Vehicle Parts for a Period of 3 Years in “Agriculture” and “Open Storage” zones, Lots 207(Part), 208(Part), 210A(Part) and 210B(Part) in DD 114 and Adjoining Government Land, Pat Heung, Yuen Long
(RNTPC Paper No. A/YL-PH/516)

(vii) A/YL-PH/520 Temporary Open Storage of Second-hand Vehicles and Vehicle Parts for a Period of 3 Years in “Agriculture” zone, Lots 202(Part), 203(Part), 204A(Part), 205(Part), 206(Part), 208(Part) and 209B in DD 114 and Adjoining Government Land, Kei Ling, Pat Heung, Yuen Long
(RNTPC Paper No. A/YL-PH/520)

Presentation and Question Sessions

27. Noting that Applications No. A/YL-PH/516 and 520 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.

28. 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 open storage of second-hand vehicles and vehicle parts for a period of 3 years;
- (c) departmental comments – the Director of Environmental Protection (DEP) did not support the two applications as there were sensitive uses in the

vicinity of the area, i.e. Pak Pin Tsuen about 100m from the sites, and environmental nuisance was expected. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, Plan D) did not support Application No. A/YL-PH/520 as the proposed development was incompatible with the surrounding land uses, and would lead to degradation of the existing landscape character and landscape amenity value;

- (d) no public comment was received during the statutory publication period and no local objection was received from the District Officer; and
- (e) the Planning Department (PlanD)'s views – PlanD did not support the two applications for reasons detailed in paragraph 12.2 of the respective Papers. The proposed developments were not in line with the planning intention of the “Agriculture” zone as well as the Town Planning Board Guidelines No. 13D for ‘Application for Open Storage and Port Back-up Uses’. There was insufficient information in the submission to demonstrate that the developments would not generate adverse environmental impact on the surrounding areas. There were about 6.5 ha of land zoned “Open Storage” (“OS”) in the Pat Heung area which was not yet occupied. The submissions failed to demonstrate why suitable sites within the “OS” zones could not be made available for the proposed uses.

Deliberation Session

29. In respect of Application No. A/YL-PH/516, the Chairman remarked that although some 46% of the application site fell within “OS” zone, the remaining part of the site fell within the “Agriculture” zone which could not be approved for reasons as stated in paragraph 12.2 of the Paper.

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

- (a) the development was not in line with the planning intention of the “Agriculture” zone which was to retain and safeguard good quality

agricultural land for agricultural purposes. No strong justification had been given in the submission for a departure from the planning intention, even on a temporary basis; and

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

[Open Meeting (Presentation and Question Sessions Only)]

- (viii) A/YL-PS/244 Proposed Temporary Open Storage of Construction Materials (Iron, Steel and Stone) for a Period of 3 Years in “Recreation” zone,
Lots 51-54, 55RP, 56RP, 57RP and 58RP in DD 126,
Ha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-PS/244)
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Presentation and Question Sessions

31. 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 temporary open storage of construction materials (iron, steel and stone) 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 access road leading to the site and environmental nuisance was expected. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had strong objection to the application as the proposed use was expected to have adverse impact on the existing landscape character and landscape quality of the surrounding rural

landscape. Also, there were sensitive uses such as the trail of Kai Shan hillsides and residential buildings close by, the proposed development would be highly visible from these high points;

- (d) three public comments were received during the statutory publication period from the village representative of Fung Ka Wai and villagers of Ping Shan Heung. They objected to the application mainly on the grounds of noise nuisance and traffic congestion, and adverse ecological impact due to illegal filling of fish pond; and
- (e) the Planning Department (PlanD)'s views – PlanD did not support the application for reasons detailed in paragraph 12.2 of the Paper. The proposed development was not in line with the planning intention of the “Recreation” (“REC”) zone as well as the Town Planning Board Guidelines No. 13D for ‘Application for Open Storage and Port Back-up Uses’. It was not compatible with the rural character of the surrounding area. There was no information in the submission to demonstrate that the development, which was located within the Wetland Buffer Area (WBA), would not cause adverse ecological impact. In this regard, the Director of Agriculture, Fisheries and Conservation had reservation on the application. Also, there was insufficient information that the proposed development would not cause adverse environmental, traffic, drainage and landscape impacts on the surrounding areas. No similar applications were approved in northern part of the “REC” zone which fell within the WBA.

32. Members had no question on the application.

Deliberation Session

[Dr. Lily Chiang joined the meeting at this point.]

33. 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 “Recreation” (“REC”) zone which was primarily for recreational developments for the use of the general public. It encouraged the development of active and/or passive recreation and tourism/eco-tourism. No strong justifications had been provided to merit a departure from the planning intention, even on a temporary basis;
- (b) the proposed development was not compatible with the rural character of the surrounding area;
- (c) there was insufficient information to demonstrate that the proposed development would not cause adverse drainage, ecological, environmental, traffic and landscape impacts on the surrounding areas;
- (d) the application was not in line with the Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses in that the site did not have any previous planning approvals, and that adverse departmental comments and local objection were received; and
- (e) no similar applications were previously approved in the northern part of the “REC” zone which fell within the Wetland Buffer Area. The approval of the application would set an undesirable precedent, the cumulative impact of approving the application in the area would lead to a general degradation of the environment in the area.

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

[Open Meeting (Presentation and Question Sessions Only)]

- (ix) A/YL-PS/245 Temporary Open Storage of Construction Materials and Machinery until 5.3.2007 in “Green Belt” zone, Lots 3236RP(Part), 3237(Part), 3238RP(Part), 3239(Part), 3241(Part), 3242RP(Part), 3243RP(Part), 3244(Part), 3246(Part), 3247(Part), 3248(Part), 3337(Part) and 3338(Part) in DD 124, Hung Shui Kiu, Ping Shan, Yuen Long (RNTPC Paper No. A/YL-PS/245)
-

Presentation and Question Sessions

34. 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 machinery until 5.3.2007, as an extension to the adjacent site (Application No. A/YL-PS/217) which was approved for the same use for a period of 3 years up to 5.3.2007;
- (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 environmental nuisance was expected;
- (d) no public comment was received during the statutory publication period and no local objection was received from the District Officer; and
- (e) the Planning Department (PlanD)’s views – PlanD did not support the application for reasons detailed in paragraph 12.2 of the Paper. 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. 13D for 'Application for Open Storage and Port Back-up Uses'. It was not compatible with the surrounding residential uses. There was no information in the submission to demonstrate that the development would not cause adverse drainage, environmental and landscape impacts on the surrounding areas. No similar applications were previously approved in the "GB" zone.

Deliberation Session

35. Referring to paragraph 10.1.2 of the Paper, a Member enquired why DEP raised concern on possible environmental nuisance from the proposed development when no pollution complaint was received in relation with the site. Mr. H.M. Wong said that there were many complaints received for the Ha Tsuen area, most of which were not site specific but related to general environmental problems such as traffic noise from roads. In the current application, it was noted that there were residential dwellings in the vicinity of the subject site, as shown on Plan A-2 of the Paper, therefore DEP raised concerns on the possible environmental nuisance to these sensitive uses.

36. In reply to a Member's query, Mr. Wilson Y.L. So, DPO/TMYL, said that upon the expiry of the planning permission for Application No. A/YL-PS/217 on 5.3.2007, renewal of the permission would be considered by the Town Planning Board based on the merits of the case. He also pointed out that Application No. A/YL-PS/217 was zoned "Undetermined" whereas the current application fell within the "Green Belt" ("GB") zone. Although the current application was for extension to the approved application, there was no strong justification to merit an extension of the approved use into the "GB" zone. The Chairman added that sympathetic consideration had been given when granting permission to Application No. A/YL-PS/217 in that it was a replacement site of a former open storage yard affected by the Deep Bay Link and it was difficult to identify land of adequate size (about 48,000m²) for the relocation purpose.

37. 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 development areas by natural features and to contain urban sprawl. There was a general presumption against development and no strong justification to merit a departure from the planning intention had been given;

- (b) the development was not compatible with the residential structures in the immediate vicinity;
- (c) the application was not in line with the requirements of the Town Planning Board Guidelines No. 13D for Application for Open Storage and Port Back-up Uses in that the site did not have any previous planning approvals, adverse departmental comments were received and no relevant technical assessments/proposals were submitted to demonstrate that the use would not generate adverse drainage, environmental and landscape impacts on the surrounding areas; and
- (d) no similar applications were previously approved in the “GB” zone. The approval of the application would set an undesirable precedent, the cumulative impact of approving the application in the area would lead to a general degradation of the environment in the area.

[Open Meeting (Presentation and Question Sessions Only)]

- (x) A/YL-SK/132 Proposed Temporary Open Storage of Vehicles
for a Period of 3 Years
in “Residential (Group D)” zone,
Lot 847RP in DD 114, Kam Sheung Road,
Shek Kong, Yuen Long
(RNTPC Paper No. A/YL-SK/132)
-

Presentation and Question Sessions

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

- (a) background to the application;
- (b) proposed temporary open storage of vehicles for a period of 3 years;
- (c) departmental comments – the Director of Environmental Protection (DEP) did not support the application as there was sensitive use in the vicinity of the site and environmental nuisance was expected;
- (d) no public comment was received during the statutory publication period and 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 detailed in paragraph 12.2 of the Paper. The proposed development was not in line with the planning intention of the “Residential (Group D)” (“R(D)”) 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 development would have no adverse environmental, drainage and landscape impacts on the surrounding areas. Approval of the application would set an undesirable precedent for similar uses to proliferate into the “R(D)” zone.

39. In reply to a Member’s question, Mr. Wilson Y.L. So, DPO/TMYL, said that there was no similar application for open storage uses approved in the same “R(D)” zone.

Deliberation Session

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

- (a) the proposed development was not in line with the planning intention of the “Residential (Group D)” (“R(D)”) zone on the Outline Zoning Plan, 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. There was insufficient information in the submission to justify a departure from such planning intention even on a temporary basis;

- (b) there was no information in the submission to demonstrate that the proposed development would have no adverse environmental, drainage and landscape impacts on the surrounding areas;
- (c) 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 it was not compatible with the nearby residential structure, there were adverse departmental comments and no previous approval for open storage use had been granted at the site; and
- (d) the approval of the application would set an undesirable precedent for similar uses to proliferate into the “R(D)” zone. The cumulative effect of approving such similar applications would result in a general degradation of the environment of the area.

[Open Meeting (Presentation and Question Sessions Only)]

- (xi) A/YL-ST/310 Temporary Public Vehicle Park
(excluding Container Vehicle) for a Period of 3 Years
in “Village Type Development” zone,
Lots 3071, 3072, 3073, 3076 and 3077 in DD 102
and Adjoining Government Land,
San Tin, Yuen Long
(RNTPC Paper No. A/YL-ST/310)
-

Presentation and Question Sessions

41. Mr. Wilson W.S. Chan, STP/TMYL, said that subsequent to the issue of the RNTPC Paper No. A/YL-ST/310, the applicant submitted a letter dated 11.5.2006 enclosing letters from the respective owners of Lots 3071, 3072, 3073 and 3076 clarifying that they had no objection to the current application for approval not exceeding a period of 18 months. A Supplementary Paper covering this further information together with relevant departments' comments was sent to Members on 18.5.2006 and tabled at the meeting. Mr. Chan then presented the application and covered the following aspects as detailed in the Paper and the Supplementary Paper :

- (a) background to the application;
- (b) temporary public vehicle park (excluding container vehicle) for a period of 3 years;
- (c) departmental comments – District Lands Officer/Yuen Long (DLO/YL), Lands Department did not support the application as the Small House applications in respect of Lots 3071, 3072, 3073 and 3076 in DD 102 were being actively processed. The applied use for a period 3 years would jeopardize the imminent Small House development on site unless a shorter period of less than 18 months was considered;
- (d) no public comment was received during the statutory publication period and no local objection was received from the District Officer; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application for reasons detailed in paragraph 3.1 of the Supplementary Paper. As DLO/YL would have no objection to the application should a shorter approval period of less than 18 months was considered and the applicant had obtained the consent of concerned Small House applicants, sympathetic consideration for approving the application on a temporary basis for 12 months could be recommended. A similar application (No. A/YL-ST/294) was approved by the Town Planning Board on review on

24.3.2006 for 12 months having regard to the implementation programme of the approved Small Houses on site. Moreover, the temporary public car park would help addressing the parking needs of local villagers.

Deliberation Session

42. The Chairman remarked that temporary uses within the “Village Type Development” zone would only be considered if the use would not cause adverse impact on the surrounding areas. However, the applicant had obtained consent from concerned Small House applicants and a shorter approval period was proposed in order not to frustrate the prospective Small House development on the site.

43. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 12 months up to 19.5.2007, 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 the site at any time during the planning approval period;
- (b) only private cars, taxis, light vans and motor bikes were allowed to be parked on the site at any time during the planning approval period;
- (c) no car washing and vehicle repair workshop were allowed on the site at any time during the planning approval period;
- (d) the landscape planting 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 landscape proposals under Application No. A/YL-ST/279 within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the Town Planning Board by 19.8.2006;

- (f) the submission of drainage proposals within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 19.8.2006;
- (g) in relation to (f) above, the provision of drainage facilities proposed 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 19.11.2006;
- (h) the provision of a 9-litre water type/3-kg dry powder fire extinguisher in the site office 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 19.8.2006;
- (i) if any of the above planning conditions (a), (b), (c) or (d) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (j) if any of the above planning conditions (e), (f), (g) or (h) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and
- (k) upon 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.

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

- (a) note that shorter approval period and shorter compliance periods were imposed in order not to frustrate the prospective Small House developments on site and to monitor the fulfillment of relevant approval 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 application for Short Term Waiver and Short Term Tenancy should be made to regularize the unauthorized structures and illegal occupation of Government land within the site;
- (d) 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" should be followed in operating the business on site;
- (e) note the Assistant Commissioner for Transport/New Territories, Transport Department's comments that the management, maintenance and land status of the path/track/road leading from Castle Peak Road to the site should be clarified;
- (f) note the Chief Highway Engineer/New Territories West, Highways Department's advice that his department was not responsible for the maintenance of the existing vehicular access leading to the site from Castle Peak Road; and
- (g) note the Chief Building Surveyor/New Territories West, Buildings Department's comments that the granting of planning approval should not be construed as condoning 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. Use of container as offices was considered as temporary buildings and was subject to control under Building (Planning) Regulations Part VII.

[Mr. Tony C.N. Kan left the meeting temporarily at this point and Mr. B.W. Chan returned to the meeting at this point.]

[Open Meeting (Presentation and Question Sessions Only)]

- (xii) A/YL-TT/194 Proposed Temporary Warehouse for Storage of Recyclable Materials (Plastic Bottles) for a Period of 3 Years in “Other Specified Uses” annotated “Rural Use” zone, Lots 692A(Part), 692B(Part), 694(Part), 695(Part), 696(Part) and 733 in DD 117 and Adjoining Government Land, Tai Tong, Yuen Long
(RNTPC Paper No. A/YL-TT/194)
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- (xiii) A/YL-TT/195 Proposed Temporary Warehouse for Storage of Recyclable Materials (Plastic Bottles) for a Period of 3 Years in “Other Specified Uses” annotated “Rural Use” zone, Lots 833(Part), 836(Part), 837(Part), 838(Part) and 839RP(Part) in DD 117 and Adjoining Government Land, Tai Tong, Yuen Long
(RNTPC Paper No. A/YL-TT/195)
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- (xiv) A/YL-TT/196 Proposed Temporary Warehouse for Storage of Recyclable Materials (Plastic Bottles) for a Period of 3 Years in “Other Specified Uses” annotated “Rural Use” zone, Lots 712, 713, 714, 721RP and 722RP(Part) in DD 117 and Adjoining Government Land, Tai Tong, Yuen Long
(RNTPC Paper No. A/YL-TT/196)
-

Presentation and Question Sessions

45. Noting that Applications No. A/YL-TT/194, 195 and 196 were similar in nature and the application sites were located in close proximity of each other, the Committee agreed to consider the three applications together.

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

- (a) background to the applications;
- (b) proposed temporary warehouse for storage of recyclable materials (plastic bottles) for a period of 3 years;
- (c) departmental comments – the Director of Environmental Protection (DEP) did not support the applications as there were sensitive uses in the vicinity of the area and environmental nuisance was expected. The Chief Town Planner/Urban Design and Landscape, Planning Department commented that the landscape proposal submitted for Application No. A/YL-TT/194 was unsatisfactory due to the lack of screen planting along the west and southwest of the site which was immediately adjacent to fallow farmland and existing rural housing;
- (d) one public comment was received for each of the three applications during the statutory publication period. All the comments were objected to the respective applications mainly on pollution and hygiene grounds; and
- (e) the Planning Department (PlanD)'s views – PlanD did not support the three applications for reasons detailed in paragraph 12.1 of the respective Papers. The proposed development was not in line with the planning intention of the “Other Specified Uses” annotated “Rural Use” (“OU(RU)”) zone. It was not compatible with the surrounding residential uses. There was insufficient information in the submission to demonstrate that the development would not generate adverse traffic, drainage and environmental impacts on the surrounding areas. Approval of the application would set an undesirable precedent for other similar uses to proliferate into the “OU(RU)” zone.

47. In reply to a Member's question, Mr. Wilson Y.L. So, DPO/TMYL, said that the availability of 6.5 ha of land zoned “Open Storage” (“OS”) as mentioned when considering

Application Nos. A/YL-PH/516 and 520 was in the Pat Heung area. Similar vacant “OS” land was not available in the Tai Tong area. Nevertheless, the “Undetermined” zone on the Tong Yan San Tsuen Outline Zoning Plan on the other side of Kung Um Road was a Category 1 area which was considered suitable for open storage and port back-up uses according to the Town Planning Board Guidelines No. 13D for Application for Open Storage and Port Back-up Uses.

Deliberation Session

48. After deliberation, the Committee decided to reject Application No. A/YL-TT/194 and the reasons were :

- (a) the proposed development was not in line with the planning intention of the “Other Specified Uses” annotated “Rural Use” (“OU(RU)”) zone which was intended primarily for the preservation of the character of the rural area. No strong justification had been given in the submission for a departure from the planning intention, even on a temporary basis;
- (b) the proposed development was not compatible with the surrounding rural land uses with mainly residential structures and fallow agricultural land;
- (c) there was insufficient information in the submission to demonstrate that the proposed development would not generate adverse traffic, drainage, landscape and environmental impacts on the surrounding areas; and
- (d) approval of the application would set an undesirable precedent for other similar uses to proliferate into the “OU(RU)” zone. The cumulative effect of approving such applications would result in a general degradation of the environment of the area.

49. The Committee also decided to reject Application Nos. A/YL-TT/195 and 196 and the reasons were :

- (a) the proposed development was not in line with the planning intention of the

“Other Specified Uses” annotated “Rural Use” (“OU(RU)”) zone which was intended primarily for the preservation of the character of the rural area. No strong justification had been given in the submission for a departure from the planning intention, even on a temporary basis;

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

[Open Meeting (Presentation and Question Sessions Only)]

- (xv) A/YL-TT/197 Proposed Temporary Vegetable Collection
and Transfer Station for a Period of 3 Years
in “Village Type Development” zone,
Government Land in DD 117,
Shui Tsiu San Tsuen,
Shap Pat Heung, Yuen Long
(RNTPC Paper No. A/YL-TT/197)
-

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 temporary vegetable collection and transfer station for a period of 3 years;
- (c) departmental comments – no objection from concerned Government departments was received;
- (d) no public comment was received during the statutory publication period and no local objection was received from the District Officer; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application for reasons detailed in paragraph 11.1 of the Paper. Concerns on the landscape and drainage aspects could be addressed by relevant approval conditions as recommended in paragraphs 11.2(d) to (g) of the Paper.

51. A Member queried why the previously approved application (No. A/YL-TT/166) was not implemented. Mr. Wilson Y.L. So, DPO/TMYL, said that it was because the proposed vegetable collection and transfer station would involve tree felling and the permission was subsequently revoked on 19.11.2005 for non-compliance with approval condition in relation to the provision of fire services installations. Therefore the applicant needed to identify another site for the proposed use.

52. The Chairman noted that the current application site was close to residential dwellings and queried whether such residences would be affected by the proposed use. Mr. So said that the operation hours proposed by the applicant were from 7 a.m. to 12 noon from Monday to Saturday. Around 8 a.m. every morning, the empty baskets stored on site would be collected by a light goods vehicle (which would take about 20 minutes) and then distributed to farmers around Tai Tong Road for collection of vegetables. After unloading of the vegetables at the Cheung Sha Wan Vegetable Wholesale Market, the empty baskets would be returned to the application site in the following morning. There were about 100 baskets stored on site and the farmers might go to the station to pick up the baskets by themselves. The loading/unloading time at the station was very short and only took place in the morning. For the rest of the time, there would be staff handling documentary work at

the site. In order to minimize possible noise nuisance or environmental pollution to the nearby residents, approval conditions on the operation time as well as the submission and implementation of loading/unloading facilities were recommended.

Deliberation Session

53. In response to a Member's concern on the possible environmental nuisance to the nearby residents, Mr. So suggested that a shorter approval period could be considered to monitor the operation of the proposed use. Members agreed that a shorter approval period of 18 months, together with the imposition of relevant approval conditions, could help addressing the concerns on environmental nuisance.

54. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 18 months up to 19.11.2007, on the terms of the application as submitted to the Town Planning Board and subject to the following conditions :

- (a) the operation was restricted from 7 a.m. to 12 noon from Monday to Saturday as proposed by the applicant during the planning approval period;
- (b) the submission of loading/unloading facilities proposals within 6 months from the date of planning approval to the satisfaction of the Commissioner for Transport or of the Town Planning Board by 19.11.2006;
- (c) in relation to (b) above, the provision of loading/unloading facilities as 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 19.2.2007;
- (d) the submission of landscape and tree preservation 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 19.11.2006;
- (e) in relation to (d) above, the implementation of the landscape and tree preservation 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 19.2.2007;

- (f) the submission of drainage proposals 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 19.11.2006;
- (g) in relation to (f) above, the provision of the drainage facilities proposed 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 19.2.2007;
- (h) the provision of fire services installations 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 19.11.2006;
- (i) if the above planning condition (a) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (j) if any of the above planning conditions (b), (c), (d), (e), (f), (g) or (h) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and
- (k) upon expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the Town Planning Board.

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

- (a) note that a shorter approval period of 18 months instead of 3 years was given so as to monitor the operation of the proposed use;

- (b) note the District Lands Officer/Yuen Long's comments that application for a short term tenancy should be made for the approved use;
- (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 revised "Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites" issued by the Environmental Protection Department should be followed;
- (e) note the Chief Building Surveyor/New Territories West, Buildings Department's comments that formal submission of any proposed new works, including any temporary structure for storage and office, for approval under the Buildings Ordinance was required. If the site was not abutting and accessible from a street having a width of not less than 4.5m, the development intensity should be determined by the Building Authority under Building (Planning) Regulation 19(3) at the plan submission stage;
- (f) note the Chief Engineer/Development(2), Water Supplies Department's comments that existing water mains would be affected. The applicant should bear the cost of any necessary diversion works affected by the proposed development;
- (g) note the Director of Fire Services' comments that detailed fire safety requirements would be formulated upon receipt of formal submission of general building plans;
- (h) note the Director of Electrical and Mechanical Services' comments that the applicant and his/her contractors should 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 the electricity supply lines. Prior to establishing any structure within the site, the applicant and/or his/her contractors should liaise with the CLP Power Hong Kong Limited to divert the existing overhead line and/or underground cables away from the vicinity of the proposed development; and

- (i) submit the tree preservation proposal prior to the construction of the building structure and the driveway.

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

[Open Meeting (Presentation and Question Sessions Only)]

- (xvi) A/YL-TYST/316 Temporary Warehouse for Storage of
Construction Materials and Miscellaneous Goods
for a Period of 3 Years
in "Undetermined" zone,
Lots 1399(Part), 1401A to 1401D(Part)
and 1402(Part) in DD 119,
Tong Yan San Tsuen, Yuen Long
(RNTPC Paper No. A/YL-TYST/316)
-

Presentation and Question Sessions

56. 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 warehouse for storage of construction materials and miscellaneous goods for a period of 3 years;

- (c) departmental comments – no objection from concerned Government departments was received;
- (d) no public comment was received during the statutory publication period and no local objection was received from the District Officer; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application for reasons detailed in paragraph 11.1 of the Paper. To prevent any environmental nuisance that might be generated by the workshop activities on the site, an approval condition prohibiting workshop activities on site was recommended. The applicant would also be advised to undertake environmental mitigation measures as set out in the “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” to alleviate any potential impact.

Deliberation Session

57. In reply to a Member’s question, Mr. Wilson Y.L. So, DPO/TMYL, said that the current application was submitted by the same applicant for the previously approved application (No. A/YL-TYST/256). The planning permission was however revoked on 5.2.2006 due to non-compliance with the approval condition relating to the submission of emergency vehicular access, water supplies for fire fighting and fire services installations proposals.

58. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years up to 19.5.2009, on the terms of the application as submitted to the Town Planning Board and subject to the following conditions :

- (a) no operation between 11:00 p.m. and 7:00 a.m. was allowed on the site during the planning approval period;
- (b) no workshop activities should be carried out on the site at any time, as proposed by the applicant, during the planning approval period;

- (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 fire services installations including a centralized hose reel system with 2m³ tank, manual fire alarm, emergency lighting, exiting sign, fire extinguisher and a sprinkler for any structure or adjoining structures exceeding 230m² 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 19.8.2006;
- (f) if any of the above planning conditions (a), (b), (c) or (d) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (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.

59. 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.

60. 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 that shorter compliance periods were imposed so as to monitor the situation and fulfillment of approval conditions;
- (c) note the District Lands Officer/Yuen Long's comments that application for Short Term Waiver should be made to regularize the unauthorized structure on site. Otherwise, his office would consider appropriate enforcement action against the landowners;
- (d) note the Assistant Commissioner for Transport/New Territories, Transport Department's comments that the land status of the road/path/track leading to the site from Kung Um Road 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;
- (e) note the Chief Highway Engineer/New Territories West, Highways Department (HyD)'s comments that a run-in should be provided at the access point at Kung Um Road and should be constructed in accordance with the latest version of HyD's Standard Drawing Nos. H1113 and H1114 or H5115 and H5116 whichever set as appropriate to suit the type of pavement of adjacent footpath. His office did not maintain the access track between the site and Kung Um Road; and
- (f) note the Director of Environmental Protection's comments that the latest "Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites" issued by the Environmental Protection Department should be followed.

[Open Meeting (Presentation and Question Sessions Only)]

- (xvii) A/YL-TYST/317 Renewal of Planning Approval for Temporary Open Storage of Scrap Metal for Recycling with Ancillary Open-air Workshop for a Period of 3 Years under Application No. A/YL-TYST/205 in “Undetermined” and “Village Type Development” zones, Lots 329A1(Part), 329A2, 329A3(Part), 329RP and 330 to 333 in DD 119 and Adjoining Government Land, Shan Ha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-TYST/317)
-

Presentation and Question Sessions

61. 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 open storage of scrap metal for recycling with ancillary open-air workshop for a period of 3 years under Application No. A/YL-TYST/205;
- (c) departmental comments – no objection from concerned Government departments was received;
- (d) no public comment was received during the statutory publication period and no local objection was received from the District Officer; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application for reasons detailed in paragraph 12.2 of the Paper. Approval conditions to restrict the operation hours were proposed to reduce the environmental impact on the surrounding areas. A renewal of the temporary planning permission for 2 years in accordance with the Town Planning Board Guidelines No. 13D for ‘Application for Open Storage and

Port Back-up Uses' would allow time for the applicant to relocate the use to other suitable locations.

62. The Chairman noted that paragraph 12.3 of the Paper mentioned that the Planning Department received a local objection from a local resident who claimed to represent some villagers of Shan Ha Tsuen. Mr. Wilson Y.L. So, DPO/TMYL, explained that the local objection was not received within the first three weeks of the publication period. It was therefore incorporated in paragraph 12.3 for Members' consideration. In response to a Member's query, the Secretary clarified that the Town Planning Board (TPB) Secretariat had an agreement with the District Officer (DO) in handling local comments received on planning applications. While it was a statutory requirement for public comments to be submitted during the first three weeks of the publication period as stipulated under the Town Planning Ordinance (the Ordinance), local comments received by the DO could be conveyed to the TPB as general departmental comments.

Deliberation Session

63. A Member suggested that, to facilitate a clear categorisation of comments raised by the general public through different channels, the word "statutory" could be added before the "publication period" in paragraph 11 of the Paper. The Chairman agreed that there was a need to differentiate public comments received during the publication period and departmental comments from the DO.

64. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 2 years up to 19.5.2008, on the terms of the application as submitted to the Town Planning Board and subject to the following conditions :

- (a) no night-time operation between 6:00 p.m. to 8:00 a.m. was allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays was allowed on the site during the planning approval period;
- (c) the existing landscape planting 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) if any of the above planning conditions (a), (b), (c) or (d) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice; and
- (f) 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.

65. 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 that a shorter approval period of 2 years was granted so as to allow time for the applicant to relocate the use to other suitable locations;
- (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. The management and maintenance responsibilities of the same road/path/track should be clarified and the relevant lands and maintenance authorities should be consulted accordingly;
- (d) note the Director of Environmental Protection's comments that the latest "Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites" issued by the Environmental Protection Department should be followed;

- (e) note the Director of Fire Services' comments that as the proposed repair workshop would likely involve storage/use of Dangerous Goods, the applicant/operator of the subject site should approach the Dangerous Goods Division for advice on licensing of the premises for the above purposes where necessary; and
- (f) note the Chief Engineer/Development(2), Water Supplies Department (WSD)'s comment that the applicant should be responsible for the laying, operation and maintenance of any sub-mains laid within private lots in connection with the supply of water to the subject lot to WSD's standards and should resolve any land matter associated with the laying, operation and maintenance of such sub-mains within private lots.

[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.]

Sha Tin, Tai Po and North District

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

Agenda Item 4

[Open Meeting (Presentation and Question Sessions Only)]

Further Consideration of Application No. A/ST-KYS/8

Proposed Extension of Television Transmitting Station in "Green Belt" zone,

Government Land Adjoining the Temple Hill (Tsz Wan Shan)

Television Transmitting Station, Sha Tin

(RNTPC Paper No. A/ST-KYS/8)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) proposed extension of television transmitting station;
- (c) departmental comments – no objection from concerned Government departments was received;
- (d) no public comment was received during the statutory publication period and no local objection was received from the District Officer; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application for reasons detailed in paragraph 5.1 of the Paper. The current submission demonstrated that the visual impact rendered by the proposed development was insignificant on the surrounding areas.

67. The Chairman remarked that the Metro Planning Committee had on the same day considered a similar application (No. A/KC/317) to expand the existing TV transmitter and transposer station at Golden Hill, Kwai Chung. The application was approved with conditions.

Deliberation Session

68. 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 19.5.2010, 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 a detailed aviation safety assessment and implementation

of the safety measures identified therein to the satisfaction of the Director-General of Civil Aviation or of the Town Planning Board;

- (b) the implementation of protection measures to ensure no pollution occurred to the water gathering grounds to the satisfaction of the Director of Water Supplies or of the Town Planning Board;
- (c) the provision of fire service installations to the satisfaction of the Director of Fire Services or of the Town Planning Board; and
- (d) the submission and implementation of landscaping proposal to the satisfaction of the Director of Planning or of the Town Planning Board.

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

- (a) note that in connection with the implementation of measures to safeguard aviation safety, application should be submitted to the Secretary for Housing, Planning and Lands for exemption of the structures from Hong Kong Airport (Control of Obstructions) (No. 2) Order 1997;
- (b) note that part of the right-of-way leading to the site was in a fair condition, necessary repair works should be carried out to cater for the proposed extension;
- (c) note that all existing slopes, both natural and man-made, within or outside the application site, which might affect or be affected by the proposed extension, should be stabilized and paid for as part of the project, if necessary;
- (d) note that extensive site formation and excavation works, as well as foundation and other building works, were envisaged to be required for the construction of the proposed television transmission building. Geotechnical submissions, under the provisions of the Buildings Ordinance, should be submitted to the Buildings Department for approval;

- (e) note that the provision of emergency vehicular access for the proposed extension should be in full compliance of part VI of “Code of Practice for Means of Access for Fire Fighting and Rescue” which was administered by the Buildings Department;
- (f) note that no Category 5 dangerous goods store/fuel tank room should be located within “the vulnerable zone of ignition of flammable vapours”. Reference should be made to BS 6656 “Guide to Prevention of Inadvertent Ignition of Flammable Atmospheres by Radio-frequency Radiation” which recommended the distance in radius of the vulnerable zone; and
- (g) note that in order to further reduce the visual mass and blend the building more with the surrounding, mitigation measures to make the transmitter building more transparent, such as by using more glass walls, should be considered.

Agenda Item 5

Section 16 Applications

[Open Meeting (Presentation and Question Sessions Only)]

- (i) A/NE-HLH/7 Proposed 2 Houses (New Territories Exempted Houses (NTEHs) – Small Houses) in “Agriculture” and “Village Type Development” zones, Lots 296A and 296RP in DD 83, Siu Hang San Tsuen, Hung Lung Hang, Fanling (RNTPC Paper No. A/NE-HLH/7)
-

Presentation and Question Sessions

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

- (a) background to the application;
- (b) proposed 2 Houses (NTEHs – Small Houses). The proposed house at Lot 296A was shown as House A on Plan A-2 of the Paper and the one at Lot 296RP was shown as House B;
- (c) departmental comments – District Lands Officer/North (DLO/N), Lands Department objected to House B;
- (d) no public comment was received during the statutory publication period and no local objection was received from the District Officer; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the House A but did not support House B for reasons detailed in paragraph 10.1 of the Paper. House A complied with the interim criteria for assessing planning application for NTEH/Small House development in that over 50% of the concerned lot and the footprint of the house were located within both the village ‘environs’ (‘VE’) and “Village Type Development” (‘V’) zone of Siu Hang San Tsuen/Siu Hang Tsuen. However, House B did not comply with the aforesaid criteria as both the lot concerned and the footprint of the house were outside the “V” zone and ‘VE’. There were no exceptional circumstances to merit special consideration of this application, and DLO/N objected to House B as it was not acceptable under the prevailing Small House Policy.

Deliberation Session

71. After deliberation, the Committee decided to approve the proposed house at Lot 296A in DD 83 (House A), on the terms of the application as submitted to the Town Planning Board. The permission should be valid until 19.5.2010, 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 design and implementation of drainage facilities to the satisfaction of the Director of Drainage Services or of the Town Planning Board;
- (b) the provision of emergency vehicular access and fire-fighting water supplies to the satisfaction of the Director of Fire Services or of the Town Planning Board; and
- (c) the submission and implementation of landscaping proposals to the satisfaction of the Director of Planning or of the Town Planning Board.

72. 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) assess the need to extend the inside services to the nearest Government water mains for connection, and to resolve any land matter (such as private lots) associated with the provision of water supply and should be responsible for the construction, operation and maintenance of the inside services within private lots to Water Supplies Department's standards. Water mains in the vicinity of the application site could not provide the standard fire-fighting flow; and
- (c) avoid disturbance to the trees in the vicinity of the application site as far as practicable.

73. After deliberation, the Committee decided to reject the proposed house at Lot 296RP in DD 83 (House B) and the reasons were :

- (a) the proposed Small House development did not comply with the interim criteria for assessing planning application for NTEH/Small House development as Lot 296RP was entirely outside both the village 'environs' and "Village Type Development" zone of surrounding villages and there was no exceptional circumstances to merit special consideration of the

application; and

- (b) the approval of the application would set an undesirable precedent for other similar applications.

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

[Open Meeting (Presentation and Question Sessions Only)]

- (ii) A/NE-KTN/117 Temporary Vehicle Repair Workshop (including Container Vehicle Repair Yard) for a Period of 3 Years in “Industrial (Group D)” zone, Lots 759A, 759RP(Part), 761A, 761C(Part), 762A and 762C in DD 95 and Adjoining Government Land, Shek Tsai Leng, Kwu Tung North
(RNTPC Paper No. A/NE-KTN/117)
-

Presentation and Question Sessions

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

- (a) background to the application;
- (b) temporary vehicle repair workshop (including container vehicle repair yard) 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;
- (d) no public comment was received during the statutory publication period. Local comments were received from the District Officer with the Village Representatives (VRs) of Ho Sheung Heung raising concern on the

operation of the vehicle repair workshop near Ho Sheung Heung Road on grounds of parking and transport problems; and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application for reasons detailed in paragraph 10.1 of the Paper. The applicant would be advised to adopt relevant mitigation measures specified in the “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” to minimize any possible environmental impacts. Regarding the local concern on traffic grounds, the Assistant Commissioner for Transport/New Territories, Transport Department had no in-principle objection to the application.

Deliberation Session

75. A Member said that as the temporary vehicle repair workshop was the subject of a previous approval (Application No. A/NE-KTN/100) with all approval conditions complied with, the current application with the addition of a container vehicle repair yard could be favourably considered, particularly the site was accessible via Ho Sheung Heung Road. Since container vehicles would not travel on minor rural roads, it was unlikely that the proposed use would generate environmental nuisance to the rural settlements. In response to Members' questions, Mr. W.K. Hui, DPO/STN, said that trees had already been planted as required under the previously approved application.

76. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years up to 19.5.2009, on the terms of the application as submitted to the Town Planning Board and subject to the following conditions :

- (a) the existing drainage facilities on the site should be maintained at all times during the approval period;
- (b) the existing trees on the site should be maintained at all times during the planning approval period;
- (c) the submission of parking, loading/unloading and vehicular access

proposals within 6 months from the date of planning approval to the satisfaction of the Commissioner for Transport or of the Town Planning Board by 19.11.2006;

- (d) in relation to (c) above, the provision of parking, loading/unloading and vehicular access facilities within 9 months from the date of planning approval to the satisfaction of the Commissioner for Transport or of the Town Planning Board by 19.2.2007;
- (e) if any the above conditions (a) or (b) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice; and
- (f) if any of the above planning conditions (c) or (d) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice.

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

- (a) resolve any land issues relating to the development with the concerned owners of the application site;
- (b) adopt relevant mitigation measures specified in the “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” published by the Environmental Protection Department to minimize any possible environmental impacts; and
- (c) note that the granting of this planning approval should not be construed as condoning to any structures existing on the site under the Buildings Ordinance (BO) and the allied regulations. Actions appropriate under the BO or other enactment might be taken if contravention was found. The use of container as offices were considered as temporary buildings and were subject to control under Building (Planning) Regulations Part VII and formal submission of any proposed new building works for approval under

the BO was required.

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

[Open Meeting (Presentation and Question Sessions Only)]

- (iii) A/NE-LK/45 Proposed House (New Territories Exempted House
(NTEH) – Small House)
in “Village Type Development” and “Agriculture” zones,
Lot 1342A in DD 39,
Shek Kiu Tau Village, Sha Tau Kok
(RNTPC Paper No. A/NE-LK/45)
-

Presentation and Question Sessions

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

- (a) background to the application;
- (b) proposed House (NTEH – Small House);
- (c) departmental comments – no objection from concerned Government departments was received;
- (d) no public comment was received during the statutory publication period and 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 detailed in paragraph 11.1 of the Paper.

79. Members had no question on the application.

Deliberation Session

80. The Chairman remarked that the proposed development was in line with the interim criteria for assessing planning applications for NTEH/Small House development.

81. 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 19.5.2010, 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 provision of fire fighting access to the site to the satisfaction of the Director of Fire Services or of the Town Planning Board;
- (b) the submission and implementation of a landscaping proposal to the satisfaction of the Director of Planning or of the Town Planning Board; and
- (c) the design and provision of drainage facilities to the satisfaction of the Director of Drainage Services or of the Town Planning Board.

82. The Committee also agreed to advise the applicant to assess the need to extend the inside services to the nearest Government water mains for connection, and to bear the cost and sort out the land matters associated with the main laying and subsequent maintenance of the inside services in the private lots. The water mains in the vicinity of the site could not provide the standard fire-fighting flow.

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

[Open Meeting (Presentation and Question Sessions Only)]

- (iv) A/NE-LT/359 Proposed House (New Territories Exempted House)
(NTEH) (Small House)
in “Agriculture” and “Village Type Development” zones,
Lot 337RP in DD 19, San Uk Pai Village,
Lam Tsuen, Tai Po
(RNTPC Paper No. A/NE-LT/359)
-

Presentation and Question Sessions

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

- (a) background to the application;
- (b) proposed House (NTEH) (Small House);
- (c) departmental comments – no objection from concerned Government departments was received;
- (d) five public comments were received during the statutory publication period against the application mainly on the grounds of safety problems due to blockage of existing vehicular access and unavailability of fire installation nearby; insufficient infrastructural provision to support the increase in development intensity; potential fire hazard from the use of Liquefied Petroleum Gas (LPG) cylinders due to close distances between the houses; drop in property prices and deprivation of access to their units; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application for reasons detailed in paragraph 11.1 of the Paper. Although the application site fell within water gathering grounds, the proposed development could be connected to the planned sewerage system in the area, and the Director of Environmental Protection and the Chief Engineer/Development(2), Water Supplies Department had no objection to

the application. Regarding the public comments received on access and safety of LPG cylinders aspects, the District Lands Officer/Tai Po, Lands Department advised that there was no guarantee of right-of-way to the commenters' houses and the storage of LPG up to 130 litres did not require notification to the Director of Electrical and Mechanical Services. Such storage of LPG was safe and within the legal limit. Moreover, the applicant would be advised to re-provision or diversify any existing footpath affected by the proposed development as recommended in paragraph 11.4(e) of the Paper.

84. Members had no question on the application.

Deliberation Session

85. The Chairman said that the proposed development was in line with the interim criteria for assessing planning applications for NTEH/Small House development. It was noted that some of the reasons raised by the commenters were based on personal grounds and that concerned Government departments had no objection to the application.

86. 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 19.5.2010, 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 or the incorporation of residential sprinkler system and a street fire hydrant 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.

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

- (a) note that the actual construction of the proposed Small House should only begin after the completion of the public sewerage network;
- (b) provide adequate space for the proposed Small House to be connected to the public sewerage network;
- (c) extend the inside services to the nearest government water mains for connection if necessary. The applicant should resolve any land matter (such as private lots) associated with the provision of water supply and should be responsible for the construction, operation and maintenance of the inside services within the private lots to Water Supplies Department's standards;
- (d) if road diversion was required, ensure that any new access would not affect any existing trees in the surrounding; and
- (e) liaise with the District Lands Officer/Tai Po for the re-provision or diversion of any existing footpath which might be affected by the proposed development.

[Open Meeting (Presentation and Question Sessions Only)]

- (v) A/NE-LYT/328 Proposed Petrol Filling Station
in “Residential (Group C)” zone,
Lot 1030B1RP(Part) in DD 83,
Sha Tau Kok Road near Lung Yeuk Tau, North District
(RNTPC Paper No. A/NE-LYT/328)
-

Presentation and Question Sessions

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

- (a) background to the application;
- (b) proposed petrol filling station (PFS);
- (c) departmental comments – no objection from concerned Government departments was received;
- (d) one public comment was received during the statutory publication period stating no comment on the application. Local comments were received from the District Officer with a Village Representative (VR) of Lung Yeuk Tau raising objection on water pollution ground; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application for reasons detailed in paragraph 9.1 of the Paper. In order to address the concern on the overlapping of the proposed access of the PFS with the clearance limit of the Drainage Services Department’s project, an approval condition related to the provision of vehicular ingress/egress was recommended in paragraph 9.2(b) of the Paper. Regarding the objection raised by the VR on possible environmental pollution caused by the PFS, concerned Government departments including the Environment Protection Department had no adverse comment on the application.

89. In reply to the Chairman's question, Mr. W.K. Hui, DPO/STN, confirmed that the previously approved applications for the proposed PFS were made for a permanent basis. As the development was not commenced, the validity of the approvals lapsed.

Deliberation Session

90. A Member asked why the proposed PFS was not commenced despite the first approval was given in 1991. Mr. W.K. Hui said that conditions requiring for the submission of traffic impact assessment as well as the provision of drainage facilities and landscape proposal were imposed under the previously approved applications. The applicant had demonstrated efforts in implementing such approval conditions but they were not yet completed satisfactorily and the approvals lapsed accordingly.

91. Mr. Francis Ng suggested that an advisory clause be added informing the applicant that application for Short Term Waiver should be made in respect of the underground oil tank and the vehicular ingress/egress of the proposed PFS.

92. 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 19.5.2008, 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 site layout plan and a landscape plan to the satisfaction of the Director of Planning or of the Town Planning Board;
- (b) the submission of a revised Traffic Impact Assessment and the provision of vehicular ingress/egress and serving/waiting spaces within the application site identified therein to the satisfaction of the Commissioner for Transport or of the Town Planning Board;
- (c) the design and provision of appropriate environmental mitigation measures to the satisfaction of the Director of Environmental Protection or of the

Town Planning Board; and

- (d) the provision of drainage facilities to the satisfaction of the Director of Drainage Services or of the Town Planning Board.

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

- (a) note that a shorter validity period of 2 years was recommended to closely monitor the progress of implementation of the planning permission and the early compliance of the approval conditions;
- (b) note the District Lands Officer/North's comments that application for Short Term Waiver should be made related to the underground oil tank and the vehicular ingress/egress of the proposed development; and
- (c) note that the existing stream course to the east of the site should not be interfered by the proposed development.

[Open Meeting (Presentation and Question Sessions Only)]

(vi) A/NE-TK/205 Proposed Private Garden
in "Village Type Development" and "Green Belt" zones,
Government Land Adjoining Lot 595A in DD 14,
Tung Tsz Village, Ting Kok, Tai Po
(RNTPC Paper No. A/NE-TK/205)

(vii) A/NE-TK/206 Private Garden
in "Village Type Development" and "Green Belt" zones,
Government Land Adjoining Lot 595RP in DD 14,
Tung Tsz Village, Ting Kok, Tai Po
(RNTPC Paper No. A/NE-TK/206)

Presentation and Question Sessions

94. Noting that Applications No. A/NE-TK/205 and 206 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.

95. Mr. W.K. Hui, DPO/STN, presented the two applications and covered the following aspects as detailed in the Papers :

- (a) background to the applications;
- (b) proposed private garden;
- (c) departmental comments – For Application No. A/NE-TK/205, the District Lands Officer/Tai Po (DLO/TP), Lands Department, had no objection to the garden use within the fenced off area under the short term tenancy (STT) which was approved in principle in August 2005. However, he raised objection to the proposed additional extensions outside the existing fence on the ground of contravention to the spirit of regularizing private garden use. DLO/TP had no objection to Application No. A/NE-TK/206 which was under a STT approved in August 2005;
- (d) no public comment was received during the statutory publication period and no local objection was received from the District Officer; and
- (e) the Planning Department (PlanD)'s views – PlanD recommended that Application No. A/NE-TK/205 be partially approved on a temporary basis for a period of three years with the exclusion of the two proposed extension areas outside the existing fenced area. The recommendation was based on the Committee's decision on 17.2.2006 on the previous application (No. A/NE-TK/202) which was submitted by the same applicant for the same use but of a different site boundary. PlanD had no objection to Application No. A/NE-TK/206 for reasons detailed in paragraph 11.1 of the Paper.

96. Members had no question on the application.

Deliberation Session

97. After deliberation, the Committee decided to partially approve Application No. A/NE-TK/205 on a temporary basis for a period of 3 years up to 19.5.2009, on the terms of the application as submitted to the Town Planning Board but excluding the two proposed extension areas outside the existing private garden. The permission was subject to the following conditions :

- (a) the submission of tree preservation 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 19.11.2006;
- (b) in relation to (a) above, the implementation of tree preservation 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 19.2.2007;
- (c) if any of the above planning conditions (a) or (b) was not complied with by the specified dates, the approval hereby given should cease to have effect and should be on the same date be revoked immediately without further notice; and
- (d) 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.

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

- (a) note that a temporary approval of 3 years was given so that the “Village Type Development” portion of the application site could be released for Small House development in future and the “Green Belt” portion of the site be reinstated to match with the surrounding green and natural environment;

- (b) obtain a short term tenancy from the Tai Po District Lands Office for the proposed private garden;
- (c) note that extension of the inside services to the nearest government water mains for connection might be needed. The applicant should resolve any land matter (such as private lots) associated with the provision of water supply and should be responsible for the construction, operation and maintenance of the inside services within the private lots to the Water Supplies Department's standards;
- (d) note that water mains in the vicinity of the application site could not provide the standard fire-fighting flow; and
- (e) consult the Environmental Protection Department regarding sewage treatment/disposal aspects of the proposed development.

99. Moreover, the Committee decided to approve Application No. A/NE-TK/206 on a temporary basis for a period of 3 years up to 19.5.2009, on the terms of the application as submitted to the Town Planning Board and subject to the following conditions :

- (a) the submission of tree preservation 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 19.11.2006;
- (b) in relation to (a) above, the implementation of tree preservation 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 19.2.2007;
- (c) if any of the above planning conditions (a) or (b) was not complied with by the specified dates, the approval hereby given should cease to have effect and should be on the same date revoked immediately without further notice; and

- (d) 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.

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

- (a) note that a temporary approval of 3 years was given so that the “Village Type Development” portion of the application site could be released for Small House development in future and the “Green Belt” portion of the site be reinstated to match with the surrounding green and natural environment;
- (b) obtain a short term tenancy from the Tai Po District Lands Office for the proposed private garden;
- (c) note that extension of the inside services to the nearest government water mains for connection might be needed. The applicant should resolve any land matter (such as private lots) associated with the provision of water supply and should be responsible for the construction, operation and maintenance of the inside services within the private lots to the Water Supplies Department’s standards;
- (d) note that water mains in the vicinity of the application site could not provide the standard fire-fighting flow; and
- (e) consult the Environmental Protection Department regarding sewage treatment/disposal aspects of the proposed development.

Remarks

101. The Chairman said that the remaining item in the Agenda would not be open for public viewing as the request for amendments to the draft Kwu Tung South Outline Zoning Plan was to be processed under the pre-amended Town Planning Ordinance.