

TOWN PLANNING BOARD

Minutes of 329th Meeting of the Rural and New Town Planning Committee held at 2:30 p.m. on 7.7.2006

Present

Director of Planning
Mr. Bosco C.K. Fung

Chairman

Mr. Michael K.C. Lai

Vice-chairman

Mr. David W.M. Chan

Dr. Lily Chiang

Mr. Tony C.N. Kan

Mr. Edmund K.H. Leung

Dr. C.N. Ng

Mr. Alfred Donald Yap

Mr. B.W. Chan

Mr. Y.K. Cheng

Dr. James C. W. Lau

Assistant Commissioner for Transport/New Territories,
Transport Department
Mr. Y.M. Lee

Assistant Director (Environmental Assessment),
Environmental Protection Department
Mr. Elvis W.K. Au

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

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

Secretary

Absent with Apologies

Professor David Dudgeon

Professor Peter R. Hills

Professor Nora F.Y. Tam

Ms. Carmen K.M. Chan

Ms. Anna S.Y. Kwong

Assistant Director (2)(Ag.), Home Affairs Department
Miss Linda Law

In Attendance

Assistant Director of Planning/Board
Mr. Lau Sing

Chief Town Planner/Town Planning Board
Ms. Jacinta K.C. Woo

Town Planner/Town Planning Board
Miss Rowena M.F. Lee

Agenda Item 1

Confirmation of the Draft Minutes of the 328th RNTPC Meeting held on 16.6.2006

1. The draft minutes of the 328th RNTPC meeting held on 16.6.2006 were confirmed without amendments.

Agenda Item 2

Matters Arising

(i) Approval of Urban Renewal Authority (URA)
Development Scheme Plan (DSP)

2. The Secretary reported that on 20.6.2006, the Chief Executive in Council (CE in C) approved the draft URA Lai Chi Kok Road/Kweilin Street and Yee Kuk Street Development Scheme Plan No. S/K5/URA1/1A (renumbered as S/K5/URA1/2) under section 9(1)(a) of the Town Planning Ordinance (the Ordinance). The approval of the DSP was notified in the Gazette on 7.7.2006.

(ii) Reference Back of three Outline Zoning Plans
(OZPs)

3. The Secretary reported that on 20.6.2006, the CE in C referred the approved Shau Kei Wan OZP No. S/H9/14, Chai Wan OZP No. S/H20/17 and Yuen Long OZP No. S/YL/15 back to the Town Planning Board for amendment under section 12(1)(b)(ii) of the Ordinance. The reference back of the approved OZPs for amendment was notified in the Gazette on 7.7.2006.

[Mr. Elvis W.K. Au arrived to join the meeting at this point.]

Tuen Mun and Yuen Long District

[Mr. Wislon Y.L. So, District Planning Officer/Tuen Mun and Yuen Long (DPO/TMYL), and Mr. Anthony C.Y. Lee, 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 Session only)]

- (i) A/TM/349 Proposed Utility Installation for Private Project
(Electricity Package Substation)
in “Village Type Development” zone,
Lot 667P(Part) in DD 132, Siu Hang Tsuen,
Tuen Mun
(RNTPC Paper No. A/TM/349)
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Presentation and Question Session

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

- (a) background to the application;
- (b) the proposed utility installation for private project (electricity package substation)
- (c) departmental comments – no objection from concerned Government departments was received. However, the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) commented that the applicant should demonstrate clearly the proposed development would not cause any increase in flooding susceptibility of the adjacent areas;

- (d) no public comment was received during the statutory publication period and no local objection/view received by the District Officer; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application for the reasons detailed in paragraphs 10.1 and 10.2 of the Paper. The proposal was an essential facility to provide electricity services to serve the proposed 15 New Territories Exempted Houses (NTEHs). It was small in scale and was not incompatible with the adjacent residential and other developments in the surrounding area. No adverse environmental, drainage and traffic impacts on the surrounding area were anticipated in view of its small scale and nature of operation. In this regard, Government departments had no adverse comment. CE/MN, DSD's concern could be addressed by the imposition of relevant approval condition.

Deliberation Session

5. A Member enquired why the application for electricity package substation was submitted by the private lot owner instead of the public utility company.

6. Mr. Wilson Y.L. So, DPO/TMYL, replied that China Light and Power Limited (CLP) would generally make application for electricity substation use on Government land in the New Territories. Since the subject electricity substation would be erected on private land and serve a group of 15 NTEHs, the private lot owner required to obtain the necessary approvals from the Government, but the substation would be constructed and operated by CLP.

7. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 7.7.2010, 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 TPB;
- (b) the provision of Emergency Vehicular Access, water supply for fire fighting and fire services installations for the site to the satisfaction of the Director of Fire Services or of the TPB; and
- (c) the submission of drainage proposals and implementation of flood mitigation measures and/or other stormwater drainage facilities to the satisfaction of the Director of Drainage Services or of the TPB.

8. The Committee also agreed to advise the applicant :

- (a) to apply to the District Lands Officer/Tuen Mun, Lands Department for a Short Term Waiver for the proposed electricity package substation;
- (b) to note the Chief Building Surveyor/New Territories West, Buildings Department's comments that if the site did not abut on a street of width not less than 4.5m, the development intensity would be determined by the Building Authority under Building (Planning) Regulation (B(P)R) 19(3). Moreover, formal submission of any proposed new building works for approval under the Buildings Ordinance was required;
- (c) to note the Director of Fire Services's comments that the EVA provision in the site should comply with the standard as stipulated in Part VI of the Code of Practice for Means of Access for Firefighting and Rescue under the B(P)R 41D;
- (d) to note the Chief Engineer/Development (2), Water Supplies Department'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 inside service within the private lots to his department's standards;

- (e) to note the Chief Town Planner/Urban Design and Landscape, Planning Department's comment to shift the proposed substation to the south-east in order to provide sufficient space for screen planting along the north-western boundary;
- (f) to note the Antiquities and Monuments Office, Leisure and Cultural Services Department's comments that the applicant should conduct a detailed Archaeological Investigation to assess the archaeological impact of the proposed works at the subject site before any construction works commenced at the site to the satisfaction of the Executive Secretary of the Antiquities and Monuments Office of the Leisure and Cultural Services Department. The applicant should implement mitigation measures to the satisfaction of the Executive Secretary of the Antiquities and Monuments Office if the site was proved to be of archaeological significance. The Archaeological Investigation should be conducted by a qualified archaeologist who should obtain a Licence from the Antiquities Authority under the Antiquities and Monuments Ordinance (Cap. 53); and
- (g) to note the Director of Health's comments that according to the Guidelines for Limiting Exposure to Time-varying Electric, Magnetic, and Electromagnetic Fields (up to 300GHz) issued by the International Commission on Non-Ionizing Radiation Protection (ICNIRP) in 1998, the electric field strength and magnetic flux density of the proposed electricity substation should not exceed 5kV/m and 0.1mT respectively on areas accessible by the public.

[Open Meeting (Presentation and Question Session only)]

- (ii) A/YL-HT/454 Renewal of Planning Approval for Temporary Open Storage of Recyclable Metal and Plastic under Application No. A/YL-HT/397 for a Period of 3 Years in “Recreation” zone, Lots 1486RP(Part), 1488RP(Part) and 1489RP(Part) in DD 125 and Adjoining Government Land, Ha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-HT/454)
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Presentation and Question Session

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

- (a) background to the application;
- (b) renewal of planning approval for temporary open storage of recyclable metal and plastic under Application No. A/YL-HT/397;
- (c) departmental comments – the Director of Environmental Protection (DEP) did not support the application as there were sensitive uses located along San Wai Road and Tin Ha Road and environmental nuisance was expected. However, DEP advised that there was no environmental complaint related to the site in the past 3 years;
- (d) no public comment received during the statutory publication period and no local objection/view received by the District Officer; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application for reasons as detailed in paragraph 12.2 of the Paper in that the application was in line with the Town Planning Board (TPB) Guidelines No. 13D for Application for Open Storage and Port Back-up Uses, the use was not incompatible with the surrounding uses, and three

previous applications had been approved on the site and there was no change in planning circumstances since the approval of the previous applications. DEP's concern was on possible off-site impact from vehicular traffic on the sensitive receivers but there was no environmental complaint over the past 3 years, no public objection or comment received during the statutory publication period and the applicant had not proposed any washing, compacting and melting of plastic within the site. His concern could be addressed through the imposition of approval conditions prohibiting such activities and workshop use on site.

10. Members had no question on the application.

Deliberation Session

11. Members noted that previous approvals had been given for the proposed use. The proposed use was in line with the TPB Guidelines No. 13D in that the application site fell within Category 2 areas and there were no specific adverse departmental comments and local objections, and DEP's concerns could be addressed through the implementation of approval conditions.

12. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 7.7.2009, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no washing, cutting, compacting and melting of plastic waste activities as proposed by the applicant should be carried out on the site during the planning approval period;
- (b) no workshop activities should be carried out on the site during the planning approval period;
- (c) the existing landscape planting on the site should be maintained at all times during the planning approval period;

- (d) the existing drainage facilities on the site should be maintained at all times during the planning approval period;
- (e) the provision of fire services installations within 6 months from the date of approval to the satisfaction of the Director of Fire Services or of the TPB by 7.1.2007;
- (f) if any of the above planning conditions (a), (b), (c) or (d) was not complied with during the approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (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 be revoked without further notice; and
- (h) upon expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the TPB.

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

14. The Committee also agreed to advise the applicant :

- (a) to resolve any land issue relating to the development with the concerned owner(s) of the application site;
- (b) to obtain approval from District Lands Officer/Yuen Long (DLO/YL) for Short Term Wavier (STW) for erection of structures on the site and Short

Term Tenancy (STT) for occupation of Government land;

- (c) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department to maintain all drainage facilities properly and rectify those facilities if it was found inadequate or ineffective during operation;
- (d) to follow the environmental mitigation measures as recommended in the “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Director of Environmental Protection in order to minimize the potential environmental impacts on the adjacent area;
- (e) to note the comments of the Assistant Commissioner for Transport/New Territories, Transport Department to clarify the land status and management and maintenance responsibilities of the access road leading to the site and to consult the relevant lands/maintenance authorities;
- (f) to note the comments of the Chief Engineer/Development (2), Water Supplies Department that the site encroaches upon the proposed water mains alignment under the project 7176 WC – Water Supply to Hung Shui Kiu New Town. His Office reserves the right to enter the site to carry out the investigation works for the proposed main-laying works at any time while the applicant was required to remove any obstruction to facilitate the works at the proposed alignment; and
- (g) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department that all building works were subject to compliance with the Buildings Ordinance. An Authorised Person should be appointed to coordinate all building works. The granting of planning approval should not be construed as an acceptance of the unauthorised structures on site under the Buildings Ordinance. Enforcement action might be taken to effect the removal of all unauthorised works in the future.

[Open Meeting (Presentation and Question Session only)]

- (iii) A/YL-KTN/251 Animal Boarding Establishment and Ancillary Facilities in "Agriculture" zone, Lot 1493 in DD 107 and Adjoining Government Land, Shui Mei Tsuen, Kam Tin, Yuen Long
(RNTPC Paper No. A/YL-KTN/251)
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Presentation and Question Session

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

- (a) background to the application;
- (b) animal boarding establishment and ancillary facilities;
- (c) departmental comments – no objection from concerned Government departments was received. However, the District Lands Officer/Yuen Long (DLO/YL) and the Director of Environmental Protection (DEP) advised that two complaints relating to suspected unauthorised development, and waste and water pollution were received in 2005;
- (d) no public comment received during the statutory publication period and no local objection/view received by the District Officer; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application for reasons as detailed in paragraph 11.1 of the Paper in that the development was not incompatible with the surrounding agricultural land uses; the applicant pledged to maintain the rural character of the site; Government departments had no adverse comments; previous planning approval was given for the same use though revoked due to non-compliance with conditions on drainage and landscaping aspects.

However, consideration had been given to the applicant's genuine efforts in submitting proposals in the past approval and the current application for fulfilling the drainage and landscape conditions.

16. The Chairman enquired about the details of the complaints received by DLO/YL and DEP. Mr. Wilson Y.L. So, DPO/TMYL, replied that the complaints were received in 2005 well before the previous planning approval (Application No. A/YL-KTN/232). They were related to suspected unauthorised development, and waste and water pollution. The Central Enforcement and Prosecution Section of PlanD had carried out investigation on the site but the enforcement case was not established as planning approval was later given to the applicant. The complaint on waste and water pollution was also not justified as it was found that a tanker was used to pump the sewage away from the site. However, in view of the complaints, a shorter approval period of two years was proposed for the subject application.

17. In response to the Chairman's questions on whether the complainants or any other domestic households were living close to the application site, Mr. Wilson Y.L. So advised that the complainants had not provided their addresses, but only contact telephone numbers. However, the nearest domestic structure was located at least 80m to the south in Shui Mei Tsuen and no public comment was received during the statutory publication period.

Deliberation Session

18. Members noted that previous approval in Application No. A/YL-KTN/232 for the same use had been given at the application site and they generally agreed that granting a shorter approval period of two years would enable the TPB to monitor the environmental conditions on the site.

19. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 2 years up to 7.7.2008, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) the submission of landscape and tree preservation proposal within 3 months from the date of the planning approval to the satisfaction of the

Director of Planning or of the TPB by 7.10.2006;

- (b) in relation to (a) above, the implementation of the landscape and tree preservation proposal within 6 months from the date of the planning approval to the satisfaction of the Director of Planning or of the TPB by 7.1.2007;
- (c) the submission of drainage proposals within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 7.10.2006;
- (d) in relation to (c) 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 TPB by 7.1.2007;
- (e) the provision of fire services installations within 3 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 7.10.2006;
- (f) if any of the above planning conditions (a), (b), (c), (d) or (e) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and
- (g) upon expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the TPB.

20. The Committee also agreed to advise the applicant :

- (a) to note that shorter approval and compliance periods were imposed to monitor the situation on site and the fulfilment of approval conditions;

- (b) to resolve any land issues relating to the development with the concerned owner(s) of the application site;
- (c) to note the District Lands Officer/Yuen Long, Lands Department's comments that the irregularities should be regularized by way of Short Term Waiver (STW) and Short Term Tenancy (STT). Should no STW/STT application be received/approved and the irregularities persist on site, his office would consider taking appropriate lease enforcement/control action against the registered owner/occupier;
- (d) to note the Assistant Commissioner for Transport/New Territories, Transport Department's comments that the land status of the local track/path/road leading from Kam Tin Road should be checked. The management and maintenance responsibilities of the same track/path/road should be clarified. Relevant lands and maintenance authorities should be consulted;
- (e) to note the Chief Town Planner/Urban Design and Landscape, Planning Department's comment that reference should be made to the TPB Technical Notes on the Submission and Implementation of Landscape Proposal for Compliance with Conditions for Approved Applications for Open Storage and Port Back-up Uses under Section 16 of the Town Planning Ordinance, as the principles in the Technical Notes were also relevant to the application. In addition, the applicant should compensate for the one dead tree with one largest commercially available size "Celtis sinensis";
- (f) to note the Chief Engineer/Mainland North, Drainage Services Department's comments on the drainage proposals that the proposed size of drains within the site might not be adequate. Surface channels of adequate size and gradient should be provided to intercept all possible runoff passing through and falling onto the site. All details, including the size, gradient and nature, of the existing/proposed drains within the

application site and to which the runoff from the site would discharge should be provided. A sandtrap should be provided at each drainage discharge of the site. The ground fall direction of the site should be indicated. Details of all proposed works at the site boundary, including hoarding, should be included for indication of unobstructed flow of surface runoff from the adjacent areas. The District Lands Officer/Yuen Long or the relevant land owner should be consulted for any drainage works outside the site boundary;

- (g) to note the Chief Building Surveyor/New Territories West, Buildings Department's comments that the granting of this planning approval should not be construed as condoning to any structures existing on the site under the Buildings Ordinance and the allied regulations. Actions appropriate under the said Ordinance or other enactment might be taken if contravention was found. Formal submission of any proposed new building works including any temporary structure for approval under the Buildings Ordinance was required. If the site was not abutting on a street having a width of not less than 4.5m, the development intensity should be determined under B(P)R19(3) at the building plan submission stage;
- (h) to note the Director of Environmental Protection's comment that the requirements under the Water Pollution Control Ordinance should be observed regarding the sewerage arrangement of the proposed use; and
- (i) to note the Director of Electrical and Mechanical Services comments that the "Code of Practice on Working near Electricity Supply Lines" established under the Electricity Supply Lines (Protection) Regulation should be observed by the applicant and his contractors when carrying out works in the vicinity of electricity supply lines. Prior to establishing any structure within the lot, the applicant or his contractors should liaise with China Light and Power Limited to divert the existing low voltage overhead lines away from the vicinity of the proposed development.

[Open Meeting (Presentation and Question Session only)]

- (iv) A/YL-KTS/372 Proposed New Territories Exempted House
(NTEH) (Small House)
in “Agriculture” zone,
Lots 191B2 and 192E1 in DD 113, Cheung Po,
Kam Tin, Yuen Long
(RNTPC Paper No. A/YL-KTS/372)
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[Open Meeting (Presentation and Question Session only)]

- (v) A/YL-KTS/373 Proposed New Territories Exempted House
(NTEH) (Small House)
in “Agriculture” zone,
Lot 191B3 in DD 113, Cheung Po,
Kam Tin, Yuen Long
(RNTPC Paper No. A/YL-KTS/373)
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[Open Meeting (Presentation and Question Session only)]

- (vi) A/YL-KTS/374 Proposed New Territories Exempted House
(NTEH) (Small House)
in “Agriculture” zone,
Lots 191B4 and 191C1 in DD 113, Cheung Po,
Kam Tin, Yuen Long
(RNTPC Paper No. A/YL-KTS/374)
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[Open Meeting (Presentation and Question Session only)]

- (vii) A/YL-KTS/375 Proposed New Territories Exempted House
(NTEH) (Small House)
in “Agriculture” zone,
Lot 191C2 in DD 113, Cheung Po,
Kam Tin, Yuen Long
(RNTPC Paper No. A/YL-KTS/375)
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[Open Meeting (Presentation and Question Session only)]

- (viii) A/YL-KTS/376 Proposed New Territories Exempted House
(NTEH) (Small House)
in “Agriculture” zone,
Lot 191C3 in DD 113, Cheung Po,
Kam Tin, Yuen Long
(RNTPC Paper No. A/YL-KTS/376)
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[Open Meeting (Presentation and Question Session only)]

- (ix) A/YL-KTS/377 Proposed New Territories Exempted House
(NTEH) (Small House)
in “Agriculture” zone,
Lot 191C4 in DD 113, Cheung Po,
Kam Tin, Yuen Long
(RNTPC Paper No. A/YL-KTS/377)
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[Open Meeting (Presentation and Question Session only)]

- (x) A/YL-KTS/378 Proposed New Territories Exempted House
(NTEH) (Small House)
in “Agriculture” zone,
Lot 191C6 in DD 113, Cheung Po,
Kam Tin, Yuen Long
(RNTPC Paper No. A/YL-KTS/378)
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[Open Meeting (Presentation and Question Session only)]

- (xi) A/YL-KTS/380 Proposed New Territories Exempted House
(NTEH) (Small House)
in “Agriculture” zone,
Lot 191C5 in DD 113, Cheung Po,
Kam Tin, Yuen Long
(RNTPC Paper No. A/YL-KTS/380)
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Presentation and Question Session

21. Noting that Applications No. A/YL-KTS/372 to 378 and 380 were similar in nature and the application sites were adjoining each other, the Committee agreed to consider the eight applications together.

22. Mr. Anthony C.Y. Lee informed the meeting that one of the public comments submitted by Mr. Cheung Chin Lap (translation) was withdrawn on 4.7.2006.

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

- (a) background to the applications;
- (b) the proposed NTEH (Small House) at each of the application sites of Applications No. A/YL-KTS/372 to 378 and 380;
- (c) departmental comments – no objection from concerned Government departments was received;
- (d) four public comments from the local villagers of Cheng Po village received during the statutory publication period objecting to the applications on adverse drainage and fung shui impacts. However, one of the comments was withdrawn on 4.7.2006; and
- (e) the Planning Department (PlanD)'s views – PlanD did not support the eight applications for reasons as detailed in paragraph 12.1 of the respective Papers. The proposed development was not in line with the planning intention of the "Agriculture" ("AGR") zone; did not meet the interim criteria for assessing planning applications for NTEH/Small House in that there was sufficient land in the "Village Type Development" ("V") zone to meet the Small House demand in Cheung Po; and was subject to strong local objections due to adverse impacts on drainage and fung shui.

24. A Member asked whether the Village Representatives (VRs) and villagers of Cheung Po and Tai Wo were fully informed that Small House applications would not be allowed in this “AGR” zone as sufficient land had been provided in the “V” zone to meet the Small House demand for the next 10 years.

25. Mr. Wilson Y.L. So, DPO/TMYL, replied in the affirmative as the VRs and villagers of Cheung Po were fully informed of the committee’s decisions of rejecting similar applications in the past. A rezoning request submitted by the two VRs of Cheung Po village to amend the land use zoning from “AGR” to “V” was rejected by the Committee on 28.1.2005 for reasons that the concerned area zoned “AGR” comprised active agricultural land and had good potential for rehabilitation; there was no strong reason to depart from the planning intention of “AGR” zone; and sufficient land for Small House development had been reserved in the “V” zone to meet the Small House demand for the next 10 years. The public also had been informed of the Interim Criteria for Assessing Planning Applications for NTEH/Small House development in the New Territories in force since 2000.

Deliberation Session

26. Members noted that the “V” zone for Cheung Po village had been enlarged to cover areas outside the village “environs” and was sufficient to accommodate the Small House demand for the next 10 years. It was the planning intention to concentrate village type development within the “V” zone for a more orderly development pattern, and more efficient use of land and provision of infrastructures and services. The proposed developments did not comply with the interim criteria for assessing planning applications for NTEH/Small House.

27. After deliberation, the Committee decided to reject the Applications No. A/YL-KTS/372 to 378 and 380, and each for the following reasons :

- (a) the proposed developments were not in line with the planning intention of the “Agriculture” zone which was to retain and safeguard good agricultural land for agricultural purpose and to retain fallow arable land with good

potential for rehabilitation. No strong justification had been given in the submission for a departure from such planning intention; and

- (b) the proposed developments did not comply with the interim criteria for assessing planning applications for NTEH/Small House development in that there was no shortage of land within the “Village Type Development” (“V”) zone of Cheung Po to meet the demand forecast for Small House development. There was insufficient information in the submission to demonstrate why suitable sites within the areas zoned “V” could not be made available for the proposed development.

[Open Meeting (Presentation and Question Session only)]

- (xii) A/YL-KTS/379 Temporary Storage of Second-hand Vehicle Parts
for a Period of 3 Years
in “Agriculture” zone,
Lots 463RP(Part), 520RP(Part) and 521RP(Part) in DD 103
and Adjoining Government Land,
Ko Po Tsuen, Yuen Long
(RNTPC Paper No. A/YL-KTS/379)
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Presentation and Question Session

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

- (a) background to the application;
- (b) temporary storage of second-hand vehicle parts;
- (c) departmental comments – no objection from concerned Government departments was received;

- (d) no public comment received during the statutory publication period and no local objection/views received by the District Officer; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application for the reasons as detailed in paragraph 12.2 of the Paper in that the application was in line with the Town Planning Board Guidelines No. 13D for Application for Open Storage and Port Back-up Uses, the use was not incompatible with the surrounding uses which were mainly open storage yards with no residential structure in the vicinity of the site, no environmental complaint was received by the Director of Environmental Protection; Government departments had no adverse comment and no public comment was received during the statutory publication period. A previous Application No. A/YL-KTS/255 was approved by the Committee on 17.8.2001 for 3 years, but the approval was revoked due to non-compliance with approval conditions in relation to submission of landscaping and drainage proposals. As such, shorter compliance periods were recommended so as to monitor the fulfilment of the approval conditions.

29. Members had no question on the application.

Deliberation Session

30. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 7.7.2009, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) the submission of landscaping proposals within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 7.10.2006;
- (b) in relation to (a) above, the implementation of landscaping proposals within 6 months from the date of planning approval to the satisfaction of

the Director of Planning or of the TPB by 7.1.2007;

- (c) the submission of drainage proposals within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 7.10.2006;
- (d) in relation to (c) above, the provision of the drainage facilities as proposed within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 7.1.2007;
- (e) the submission of vehicular access proposal within 3 months from the date of planning approval to the satisfaction of the Commissioner for Transport or of the TPB by 7.10.2006;
- (f) in relation to (e) above, the implementation of vehicular access proposal within 6 months from the date of planning approval to the satisfaction of the Commissioner for Transport or of the TPB by 7.1.2007;
- (g) if any of the above planning conditions (a), (b), (c), (d), (e) or (f) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and
- (h) upon expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the TPB.

31. The Committee agreed to remind the applicant that the permission was only given to the use and development under application. It did not condone any other use and development currently existing on the site that was not covered by the application. The applicant should take immediate action to discontinue such use and development not covered by the permission.

32. The Committee also agreed to advise the applicant :

- (a) to resolve any land issues relating to the development with the concerned owner(s) of the application site;
- (b) to note that shorter compliance periods were recommended so as to monitor the fulfilment of the approval conditions;
- (c) to note the Assistant Commissioner for Transport/New Territories, Transport Department's comment that vehicular access off the slip road from Tsing Long Highway was highly prohibited;
- (d) to note the District Lands Officer/Yuen Long, Lands Department's comment that no structure was allowed to be erected without prior approval from his office. The applicant should apply for Short Term Waiver (STW) and Short Term Tenancy (STT) to regularize the irregularities on site. Should no STW/STT application be received/approved and the irregularities persisted on site, his office would consider taking appropriate lease enforcement/ control action against the registered owner/occupier;
- (e) to follow the environmental mitigation measures as recommended in the 'Code of Practice on Handling Environmental Aspects of Open Storage and Other Temporary Uses' issued by the Director of Environmental Protection in order to minimize the potential environmental impact on the adjacent areas; and
- (f) to note the Chief Building Surveyor/New Territories West, Buildings Department's comments that all building works were subject to compliance with Buildings Ordinance. An Authorised Person should be appointed to coordinate all building works. The granting of planning approval should not be construed as an acceptance of the unauthorised structures on site under the Buildings Ordinance. Enforcement action

might be taken to effect the removal of all unauthorised works in the future.

[Open Meeting (Presentation and Question Session only)]

- (xiii) A/YL-MP/152 Proposed Field Study/Education/Visitor Centre
(Extension to the Existing Boardwalk)
in “Site of Special Scientific Interest” zone,
Mai Po Nature Reserve,
Mai Po, Yuen Long
(RNTPC Paper No. A/YL-MP/152)
-

33. The application was submitted by World Wide Fund for Nature Hong Kong (WWF). Prof. David Dudgeon and Prof. Nora Tam, being members of WWF, had declared interests in this item. The Committee noted that they had tendered their apologies for being unable to join the meeting.

34. Dr. C.N. NG declared an interest in this item as he drafted Conservancy Association’s letter of support for the application.

[Dr. C.N. NG left the meeting temporarily at this point.]

Presentation and Question Session

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

- (a) background to the application;
- (b) proposed field study/education/visitor centre (extension to the existing boardwalk);
- (c) departmental comments – no objection from concerned Government departments was received. The Director of Environmental Protection

(DEP) had no objection as even though the proposal was a Designated Project under the Environmental Impact Assessment Ordinance, permission had been granted to the applicant to apply directly for an Environmental Permit for construction and operation of the proposed boardwalk and a bird-watching hide;

- (d) no public comment received during the statutory publication period and no local objection/view received by the District Officer; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application for reasons as detailed in paragraph 12.1 in that the proposal facilitated the promotion of scientific research, improvement of recreational bird-watching and raising of public environmental awareness and thus complied with the intention of the Town Planning Board Guidelines 12B for Application for Developments within Deep Bay Area; the Ecological Impact Assessment provided showed that the ecological impacts was minor; the proposed boardwalk was local and minor in nature, not incompatible with the surrounding area and would not have negative landscape impacts. Concerned Government departments, the locals and the public had no objection to the proposal.

36. The Chairman referred Members to Plan No. A-4a and A-4b for the photos showing the form of the boardwalk proposed. Members noted that the boardwalk was minor in scale.

Deliberation Session

37. Members noted that the proposal was in line with the planning intention for conservation of the area and no adverse impacts would result as the boardwalk was minor in scale.

38. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board. The permission should

be valid until 7.7.2010, 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.

39. The Committee also agreed to advise the applicant :

- (a) to note the District Lands Officer/Yuen Long, Lands Department's advice to apply to his office for occupation of Government land by appropriate documentation; to obtain prior consent from his office before any interference of trees; and if the proposed boardwalk was to be erected upon the existing stream course, the works should be gazetted and authorized under the Foreshore and Sea-bed (Reclamation) Ordinance (Cap. 127); and
- (b) to note the Chief Building Surveyor/New Territories West, Buildings Department's advice that formal submission of any proposed new work, including any temporary structure, 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 under Building (Planning) Regulation 19(3) during plan submission stage.

[Dr. C.N. Ng returned to join the meeting at this point.]

[Open Meeting (Presentation and Question Session only)]

- (xiv) A/YL-NSW/169 Temporary Open Vehicle Park
(including Container Vehicles and Private Cars)
for a Period of 3 Years
in "Other Specified Uses" annotated "Comprehensive
Development to include Wetland Restoration Area" zone,
Lot 45 in DD 107 and Adjoining Government Land,
Nam Sang Wai, Yuen Long
(RNTPC Paper No. A/YL-NSW/169)
-

Presentation and Question Session

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

- (a) background to the application;
- (b) temporary open vehicle park (including container vehicles and private cars);
- (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. The Director of Agriculture, Fisheries and Conservation (DAFC) considered that the proposed use not in line with the planning intention of the “Other Specified Uses” annotated “Comprehensive Development to include Wetland Restoration Area” (“OU(CDWRA)”) zone to allow an appropriate level of residential/recreational development which served as incentives to phase out the open storage use and/or to restore degraded wetlands; and it would be desirable to discourage open vehicle park in view of the planning intention. The Chief Town Planner/Urban Design and Landscape (CTP/UD&L) had reservation on the application from landscape planning point of view as the site was located in close proximity of fish ponds and negative landscape impacts would be caused by the proposed development to the existing environment. The landscape proposal was not sufficient to mitigate the negative landscape impacts caused by the proposed development. The Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) considered the drainage proposal not satisfactory. The Assistant Commissioner for Transport/NT, Transport Department (AC for T/NT) advised that the internal road arrangement of the site was not included in the application;
- (d) no public comment received during the statutory publication period and no local objection/view received by the District Officer; and

- (e) the Planning Department (PlanD)'s views – PlanD did not support the application for reasons as detailed in paragraph 12.2 of the Paper. The proposed development was not in line with the planning intention of the “OU(CDWRA)” zone and the Town Planning Board Guidelines No. 13D for Application for Open Storage and Port Back-up Uses in that the site fell within Category 4 area and there were no exceptional circumstances to justify for approval of container vehicle park use within the “OU(CDWRA)” zone and there were adverse departmental comments from DEP, DAFC, CTP/UD&L, CE/MN, DSD and AC for T/NT.

[Mr. B.W. Chan arrived to join the meeting at this point.]

41. In response to the Chairman's enquiry on why an application had been approved before but the last application was rejected. Mr. Wilson Y.L. So, DPO/TMYL, replied that Application No. A/YL-NSW/23 for a temporary public car/lorry/coach park for a period of three years submitted by another applicant was approved by the Committee in 1997 when the site was zoned “Recreation” (“REC”). The reasons for approval were that the car and coach park was not incompatible with the planning intention of “REC” zone; compatible with the surrounding mixed land uses; no significant adverse impacts on traffic, environment, ecology, sewerage and drainage of the surrounding areas in view of the temporary nature and scale of development; and Government departments had no adverse comments on the proposed development. However, Application No. A/YL-NSW/166, which was exactly the same as the current application and for temporary open vehicle park (including container vehicles and private cars) for a period of 3 years, was rejected by the Committee on 17.2.2006 after the site was rezoned to “OU(CDWRA)”. The reasons for rejection were that the application was not in line with the planning intention of the “OU(CDWRA)” zone which was intended to phase out existing sporadic open storage and port back-up uses on degraded wetlands; no strong planning ground to justify a departure of the planning intention even on a temporary basis; incompatible with the rural character of the surrounding area including fish ponds, agricultural land and residential dwellings; and not in line with the Town Planning Board Guidelines No. 13D for Application for Open Storage and Port Back-up Uses in that there was no information in the submission to demonstrate that the development would not have adverse environmental, traffic, drainage and landscape impacts on the surrounding areas.

On 28.3.2006, the applicant lodged an appeal to the Town Planning Appeal Board (TPAB) against the Committee's decision to reject his application. As there was no provision under the Town Planning Ordinance (the Ordinance) for the TPAB to deal with the case which had not been reviewed by the Town Planning Board under section 17 of the Ordinance, the appeal document had been returned to the applicant on 7.4.2006.

Deliberation Session

42. Members noted that the current application was exactly the same as the previously rejected application and considered that there was no change in circumstances as compared to the previous application.

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

- (a) the proposed development was not in line with the planning intention of the "Other Specified Uses" annotated "Comprehensive Development to include Wetland Restoration Area" zone which was intended to phase out existing sporadic open storage and port back-up uses on degraded wetlands and there was no strong planning ground to justify a departure of the planning intention even on a temporary basis;
- (b) the proposed development was incompatible with the rural character of the surrounding area including fish ponds, agricultural land and residential dwellings; and
- (c) the proposed development was not in line with the Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses (TPB PG-No. 13D) in that there was no special circumstances to justify approval of the application 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 Session only)]

- (xv) A/YL-TT/200 Temporary Plastic Waste Recycling Workshop
for a Period of 3 Years
in “Other Specified Uses” annotated “Rural Use” zone,
Lots 821, 823A, 823RP, 825A, 825RP, 826,
827, 828, 990A, 990RP, 991A, 991RP, 992ARP,
992A1, 992B and 993 in DD 117,
Tai Tong, Yuen Long
(RNTPC Paper No. A/YL-TT/200)
-

Presentation and Question Session

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

- (a) background to the application;
- (b) temporary plastic waste recycling workshop;
- (c) departmental comments – the Director of Environmental Protection (DEP) did not support the application as there were sensitive uses in the vicinity of the area, the closest one being within 10m to the north-east of the site and environmental nuisance was expected; and the Assistant Commissioner for Transport/New Territories (AC for T/NT) commented that approving such similar applications might induce cumulative adverse traffic impact on the nearby road network;
- (d) one public comment from the Wong Nai Tun Tsuen Village Office was received during the statutory publication period objecting to the application as the site was too close to Wong Nai Tun Tsuen and there were concerns about the pollution caused by the development. Another objection was filed out-of-time; and

- (e) the Planning Department (PlanD)'s views – PlanD did not support the application for reasons as detailed in paragraph 12.1 of the Paper in that the development was not in line with the planning intention of the “Other Specified Uses (Rural Use)” (“OU(RU)”) zone; approval of the application would frustrate the planning intention and no strong justification had been given for a departure from the planning intention; the development was incompatible with the surrounding rural land uses and the open storage yards and warehouses in the vicinity of the site were suspected unauthorised developments; AC for T/NT and DEP did not support the application; a local objection was received objecting to the adverse impacts on the environment; no previous or similar applications had been approved in the site and its vicinity; and approval of the application would set an undesirable precedent for other similar uses to proliferate in the “OU(RU)” zone.

45. Members had no question on the application.

Deliberation Session

46. Members noted that no approval had been given to date for similar uses in the “OU(RU)” zone.

47. 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 “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 development was not compatible with the surrounding rural land uses

with residential structures and active/fallow agricultural land;

- (c) there was insufficient information in the submission to demonstrate that the development would not generate adverse traffic, environmental, drainage impacts on the surrounding areas; and
- (d) approval of the application would set an undesirable precedent for other similar uses to proliferate in 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 Session only)]

- (xvi) A/YL-TYST/321 Temporary Open Storage of
Construction Materials with Ancillary Car Park
for a Period of 3 Years
in “Undetermined” zone,
Lots 2815RP(Part) and 2816RP(Part) in DD 120,
Tong Yan San Tsuen, Yuen Long
(RNTPC Paper No. A/YL-TYST/321)
-

Presentation and Question Session

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

- (a) background to the application;
- (b) temporary open storage of construction materials with ancillary car park;
- (c) departmental comments – the Director of Environmental Protection (DEP) did not support the application as there were sensitive uses in the vicinity of the area, the closest one being within 30m to the south-west of the site

and environmental nuisance was expected;

- (d) one public comment from Shap Pat Heung Rural Committee was received during the statutory publication period objecting on grounds that the application would pose threat on villagers' access and adversely affect the visual quality and fung shui of the area; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application for reasons as detailed in paragraph 12.2 of the Paper. The application was generally in line with the Town Planning Board (TPB) Guidelines No. 13D for Application for Open Storage and Port Back-up Uses in that the site was located in the Category 1 area. The concerns of relevant departments were technical in nature which could be addressed through the implementation of approval conditions. Similar applications in the same “U” zone had been approved. Although DEP did not support the application, the applicant had proposed mitigation measures and approval condition could be imposed to contain the environmental impacts. Although local objection on fung shui, access and visual grounds was received during the statutory publication period, Government departments had no adverse comments in this regard. A shorter approval period of 2 years was recommended so as to monitor the development on the site, which was same as the decision for a similar Application No. A/YL-TYST/293 for temporary open storage of construction machinery and materials with ancillary repair workshop.

49. Members had the following questions :

- (a) the reason for recommending approval for this application given that four previous applications had been rejected; and
- (b) any information on how many more applications would be anticipated in the new Category 1 area.

50. In response, Mr. Wilson Y.L. So, DPO/TMYL, replied as follows :

- (a) the four previous applications were rejected when the site was within Category 2 area under the TPB Guidelines No. 13C and the applications involved open storage of container tractors/trailers, empty oil tankers and/or warehouse use. The site and the “Undetermined” (“U”) zone in which it was located were re-categorised to Category 1 in the TPB Guidelines No. 13D which was agreed by the TPB on 21.10.2005. The current application only involved open storage of construction materials and ancillary car park and therefore the considerations in terms of traffic and environmental impact would be different. According to the Guidelines, Category 1 area was considered generally suitable for open storage and port back-up uses and the application was generally in line with the TPB Guidelines No. 13D in that the concerns of relevant departments were technical in nature which could be addressed through the implementation of approval conditions. The applicant also proposed mitigation measures such as paving, restriction of operation hours within 8a.m. and 8p.m., and locating a warehouse to the south-west of the site to serve as noise barrier from the village houses of Tin Liu Tsuen to the south-west as shown in Drawing A-2. The applicant also confirmed that no workshop would be involved. To monitor the situation of the site and the fulfilment of approval conditions, a shorter approval period of 2 years and shorter periods for compliance of conditions were recommended; and
- (b) there was no information on the anticipated increase in applications in the new Category 1 area. Since the area had been re-categorised, a number of applications had been received. However, temporary open storage use was all along considered acceptable in this “U” zone if supported by technical assessments to confirming the suitability of the proposed use from traffic and drainage points of view.

51. The Chairman supplemented that not all applications would be approved even though they fell within Category 1 areas. Each application would still be assessed on its individual merits.

Deliberation Session

52. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 2 years until 7.7.2008, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no night time operation between 8 p.m. and 8 a.m. was allowed on the site during the planning approval period;
- (b) no operation on Saturdays, Sundays and public holidays was allowed on the site during the planning approval period;
- (c) no repairing, dismantling and workshop activities should be carried out on the site during the planning approval period;
- (d) no heavy vehicles, i.e. over 24 tonnes, were allowed for the operation of the site during the planning approval period;
- (e) the submission of tree preservation proposals within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 7.10.2006;
- (f) in relation to (e) above, the implementation of tree preservation proposals within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 7.1.2007;
- (g) the implementation of the accepted drainage proposals within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 7.10.2006;
- (h) 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;

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

53. The Committee also agreed to advise the applicant :

- (a) to resolve any land issues relating to the development with the concerned owner(s) of the application site;
- (b) to note that a shorter approval period of 2 years and shorter compliance periods were granted so as to monitor the situation of the site and the fulfilment of approval conditions;
- (c) to note the District Lands Officer/Yuen Long, Lands Department's comments that no structure was allowed to be erected without prior approval from his office. The lot owners concerned should apply for a short term waiver for the proposed warehouse from his office;
- (d) to note the Assistant Commissioner for Transport/New Territories, Transport Department's comments that the land status of the road/path/track leading to the site from Kung Um Road should be checked with the lands authority. The management and maintenance responsibilities of the same road/path/track should also be clarified and the relevant lands and maintenance authorities should be consulted accordingly;
- (e) to follow the latest 'Code of Practice on Handling Environmental Aspects

of Open Storage and Temporary Uses' issued by the Environmental Protection Department; and

- (f) to note the Chief Building Surveyor/New Territories West, Buildings Department's comments that all building works were subject to compliance with Buildings Ordinance. An Authorised Person should be appointed to coordinate all building works. The granting of planning approval should not be construed as an acceptance of the unauthorised structures on site under the Buildings Ordinance. Enforcement action might be taken to effect the removal of all unauthorised works in the future.

[Open Meeting (Presentation and Question Session only)]

- (xvii) A/YL-TYST/322 Proposed Residential cum Government, Institution or Community Development with Minor Relaxation of Maximum Building Height Restriction (Amendments to Approved Scheme) in "Comprehensive Development Area", "Green Belt" and "Residential (Group B)1" zones, Lot 2064 in DD 121, Yuen Long
(RNTPC Paper No. A/YL-TYST/322)
-

Presentation and Question Session

54. The application was submitted by Clayton Power Enterprises Ltd., a subsidiary of Cheung Kong (Holdings) Limited. Dr. Lily Chiang, having current business dealings with Cheung Kong (Holdings) Limited, declared an interest in this item.

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

55. The Committee noted that the Planning Department requested for a deferment of the consideration of the application so that it would be considered together with another application for comprehensive residential development (No. A/YL-TYST/324) on an adjoining site within the same “Comprehensive Development Area” (“CDA”) zone at the next meeting on 21.7.2006. Consideration of the two applications together would allow the Committee to assess the proposals in a comprehensive manner.

56. Members had no question on the application.

Deliberation Session

57. After deliberation, the Committee decided to defer a decision on the application to 21.7.2006 so that the application could be considered together with Application No. A/YL-TYST/324.

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

[There was a break of 5 minutes.]

Sai Kung & Islands District

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

Agenda Item 4

Section 16 Applications

[Open Meeting (Presentation and Question Session only)]

- (i) A/SK-HC/130 Proposed Two New Territories Exempted Houses (NTEHs) (Small Houses) in “Agriculture” zone, Lots 618B and 618C in DD 244, Ho Chung, Sai Kung
(RNTPC Paper No. A/SK-HC/130)
-

[Mr. David W.M. Chan arrived to join the meeting at this point.]

Presentation and Question Session

58. Ms. Ann O.Y. Wong, STP/SK&Is, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) two proposed NTEHs (Small Houses);
- (c) departmental comments – the Director of Agriculture, Fisheries and Conservation (DAFC) did not favour the application as the area was one of major good quality agricultural land;
- (d) no public comment received during the statutory publication period and no local objection/view received by the District Officer; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application for reasons as detailed in paragraph 11.1 of the Paper in that the application complied with the interim criteria for assessing planning application for NTEH/Small House development as the site was located within the village “environs” and there was a general shortage of land in

meeting Small House development in the “Village Type Development” (“V”) zone; Government departments had no adverse comments and the proposed Small Houses would not have adverse impacts. Although DAFC did not support the application, the site and the surrounding area were not under active cultivation and the area of the application site was small and the use was compatible with the surrounding rural and village environment.

59. In response to the Chairman’s enquiry, Ms Ann Wong showed the boundary of the village “environs” of Ho Chung Village as indicated in Plan A-1. She added that over 80 Small Houses had been approved by Lands Department over the past 15 years, confirming that there was a strong demand for Small House development in the area. The application was in line with the interim criteria for assessing planning application for NTEH/Small House development as the site was located within the village “environs” and there was no adverse departmental comments on infrastructure capacity.

Deliberation Session

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

60. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 7.7.2010, 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 condition on the submission of archaeological survey before the commencement of any construction works and rescue excavation should be undertaken should archaeological remains be found, to the satisfaction of the Director of Leisure and Cultural Services or of the TPB.

61. The Committee also agreed to advise the applicants that they might need to extend the inside services to the nearest Government water mains for connection and should resolve any land matter associated with the provision of water supply. The applicants should also be responsible for the construction, operation and maintenance of the inside services within the private lots.

[Open Meeting (Presentation and Question Session only)]

- (ii) A/SK-HC/131 Proposed Low-density Residential Development and Minor Relaxation of Building Height Restriction in “Residential (Group E)” zone, Lot 1298, 1299, 1303(Part), 1306A, 1306RP, 1307, 1310(Part), 1962(Part) in DD 244 and Adjoining Government Land, Ho Chung, Sai Kung
(RNTPC Paper No. A/SK-HC/131)
-

Presentation and Question Session

62. Ms. Ann O.Y. Wong, STP/SK&Is, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) proposed low-density residential development and minor relaxation of building height restriction;
- (c) departmental comments – no objection from concerned Government departments was received. The Assistant Commissioner for Transport/NT (AC for T/NT) requested the applicant to undertake local road improvement to the existing Ho Chung Road and provision of lay-by for general loading/unloading activities;
- (d) one public comment received during the statutory publication period expressing concern on the additional traffic created by the proposed development and the need for improvement of the road infrastructure in the area; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the

application for reasons as detailed in paragraph 10.1 of the Paper in that the proposed development and development intensity were in line with the planning intention and development restrictions of the “R(E)” zone; and an approval condition would be included to meet the AC for T/NT, TD’s requirement. The proposed building height of 9.275m, which was only 0.275m higher than that permitted under the “R(E)” zone, was considered minor, and no adverse visual impact was envisaged.

63. A Member was concerned about the possible completion of the proposed development, ahead of the completion of Hiram’s Highway and Ho Chung Road improvement works. If that was the case, the applicant could encounter difficulty in undertaking local road improvement to Ho Chung Road in order to comply with AC for T/NT’s requirement.

64. Mr. Y.M. Lee advised that AC for T/NT’s requirement served as short-term improvement to alleviate the traffic impacts on Ho Chung Road and should be adequate to deal with the problem before completion of Ho Chung Road improvement works. Ms Ann O.Y. Wong added that whilst the road works would be completed in 2009, the suggested completion date in 2009 for the proposed development was rather optimistic.

Deliberation Session

65. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 7.7.2010, 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 proposal for vehicular access and local road improvement to the existing Ho Chung Road to the satisfaction of the Commissioner for Transport or of the TPB;
- (b) the submission and implementation of stormwater drainage proposal to the

satisfaction of the Director of Drainage Services or of the TPB;

- (c) the submission and implementation of tree landscape and preservation proposals to the satisfaction of the Director of Planning or of the TPB;
- (d) the provision of fire services installations and water supply for firefighting to the satisfaction of the Director of Fire Services or of the TPB.
- (e) the submission of an archaeological survey, and submission and implementation of mitigation measures proposals should significant archaeological deposits be discovered, to the satisfaction of the Director of Leisure and Cultural Services or of the TPB; and
- (f) the submission a Geotechnical Planning Review Report and implementation of the mitigation measures identified therein to the satisfaction of the Director of Civil Engineering and Development or of the TPB.

66. The Committee also agreed to advise the applicant :

- (a) to apply to the District Lands Officer/Sai Kung regarding the lease modification/land exchange for the proposed development;
- (b) to liaise with the Chief Highway Engineer/Works on the submission and implementation of the proposals for vehicular access and local road improvement to the existing Ho Chung Road in view of the potential interface with the planned road projects;
- (c) to liaise with the Chief Highway Engineer/Works on the submission and implementation of stormwater drainage proposal along Ho Chung Road to avoid the potential interface with the planned road projects;
- (d) to liaise with the Chief Building Surveyor/New Territories East regarding

the details of the requirement of the emergency vehicular access and the building plan submission;

- (e) to note the comments of the Chief Highway Engineer/New Territories East, Highways Department that the applicant should provide at his own cost the appropriate noise mitigation measures to cater for the increase in the noise level upon completion of the road widening project.
- (f) to liaise with the Director of Water Supplies regarding the measures taken to avoid the potential interface and impacts on the project, namely “Replacement and Rehabilitation of Water Mains Stage 2 Mainlaying Works in Sai Kung Area”, which was in the vicinity of the application site;
- (g) to consult the Director of Environmental Protection regarding the effluent standard for the on-site sewerage treatment facilities; and
- (h) to liaise with the Director of Leisure and Cultural Services on the protective measures, if necessary, to protect the Grade II Che Kung Temple and the shrine at Ho Chung Road in the vicinity of the application site during the course of construction for the proposed development.

[Open Meeting (Presentation and Question Session only)]

- (iii) A/SK-TLS/31 Proposed Government Refuse Collection Point
in “Green Belt” zone,
Government Land in Kam Shue Road,
Tseng Lan Shue, Sai Kung

(RNTPC Paper No. A/SK-TLS/31)

Presentation and Question Session

67. Ms. Ann O.Y. Wong, STP/SK&Is, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) proposed Government refuse collection point (RCP);
- (c) departmental comments – no objection from concerned Government departments was received;
- (d) no public comment received during the statutory publication period and three local views received by the District Officer stating no objection and no comment; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application for reasons as detailed in paragraph 11.1 of the Paper in that the RCP was a small scale essential facility to serve the local residents and would not have significant adverse impacts on the neighbourhood, the traffic, drainage and the environment; it would not affect any tree or vegetation; and Government departments and public had no adverse comment.

68. In response to a Member's question on whether temporary RCP would require permission from the Town Planning Board, Ms. Ann Wong replied in the affirmative. She said that the subject RCP currently existed on site was used by the Food and Environmental Hygiene Department on a trial basis.

69. In response to the Chairman's enquiry, Ms Ann O.Y. Wong advised that there could be inadequate space for landscaping within the application site. However, existing trees were found around the perimeter of the site and the Chief Town Planner/Urban Design and Landscape did not consider it necessary to impose a landscape conditions. The Chairman considered that if there was adequate space for incorporating off-road loading/unloading facilities as required by the Assistant Commissioner for Transport (AC for T/NT), there should also be space for some landscaping to screen-off the RCP.

Deliberation Session

70. Members noted that the requirement of AC for T/NT for an off-road loading/unloading bay had been included as an approval condition. Members also noted that there were existing trees on the application site but considered that a landscape condition should also be added in view of the rural character of the area.

71. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission 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 TPB; and
- (b) the provision of an off-road loading/unloading bay to the satisfaction of the Commissioner for Transport or of the TPB.

72. The Committee also agreed to advise the applicant :

- (a) to apply to the District Lands Officer/Sai Kung for a permanent Government land allocation; and
- (b) to note the Chief Engineer/Development (2), Water Supplies Department's comment that the Replacement and Rehabilitation of Water Mains Stage 2 Mainlaying Works in Sai Kung Area project was scheduled to commence in early 2007 for completion in 2011 and to take necessary considerations and measures to avoid/minimize potential interface and impact on the project.

[The Chairman thanked Ms. Ann O.Y. Wong, STP/SK&Is, for her attendance to answer Members' enquiries. Ms. Wong left the meeting at this point.]

Sha Tin, Tai Po and North District

[Mr. W.K. Hui, District Planning Officer/Shu Tin, Tai Po and North (DPO/STN), and Miss Alice Y.C. Liu, Senior Town Planner/Shu Tin, Tai Po and North (STP/STN), were invited to the meeting at this point.]

Agenda Item 5

Section 16 Applications

[Open Meeting (Presentation and Question Session only)]

- (i) A/NE-FTA/75 Temporary Vehicle Repair Workshop
for a Period of 3 Years
in “Agriculture” zone,
Lot 492 in DD 51,
Fu Tei Au, Sheung Shui
(RNTPC Paper No. A/NE-FTA/75)

Presentation and Question Session

73. Miss Alice Y.C. Liu, STP/STN, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) temporary vehicle repair workshop;
- (c) departmental comments – the Director of Environmental Protection (DEP) did not support the application as there were sensitive users in the vicinity of the site and the access road and environmental nuisance was expected;
- (d) no public comment received during the statutory publication period but two local objections were received by the District Officer, both concerning

the adverse impacts on traffic and environment and the operation hours of the workshop; and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application for reasons as detailed in paragraph 10.1 of the Paper in that previous approval had been given for the same use; all approval conditions had been complied with; there was no change in planning circumstances since the last approval except that the site area had been reduced; and the application would unlikely cause any significant adverse impacts on traffic, drainage and landscape aspects. Although DEP did not support the application and local objections were received by the District Officer on environmental ground, there was no environmental complaint in the past few years and the applicant would be advised to undertake environmental mitigation measures specified in the “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” to alleviate any potential environmental impacts.

Deliberation Session

74. A Member enquired whether this application would be approved if no previous approval had been given for the same use at the application site. He was of the view that workshop uses which would create nuisance to neighbouring areas and lead to cumulative impacts by attracting similar workshop uses in the surrounding area should not be allowed in this part of the rural area. This was particularly undesirable as the application site was near Ng Tung River.

75. The Secretary replied that according to Town Planning Board Guidelines No. 13D for Application for Open Storage and Port Back-up Uses, the site fell within the Category 3 area where new open storage uses without previous approval would not normally be given. If the same principle were applied for workshop uses, new application for workshop use in this area should not be approved. However, the current application was recommended for approval since previous approval had been given.

76. In response to the Chairman's enquiry on DEP's concern and the reasons for approving the previous application, Mr. W.K. Hui, DPO/STN replied that previous approval had been given upon review as the Town Planning Board was persuaded by the applicant's justifications and pledge to fulfil the approval conditions at the review hearing. DEP did not support the current application as there were existing domestic structures in the vicinity of the application site. However, no environmental complaint had been received by DEP for the past few years since the operation of the workshop use on the site.

77. A Member enquired if the requests of the Chairman of Woodland Crest Owners Committee for additional information including possible adverse environmental impacts and operation hours had been attended to.

78. Mr. W.K. Hui advised that Woodland Crest was located more than 500m to the south-west of the application site across Ng Tung River. The Committee had approved another application No. A/NE-FTA/74 which was relatively closer to Woodland Crest in June 2006. The Chairman of Woodland Crest had been advised that all information related to the application were deposited at the Planning Enquiry Counters of Planning Department for public information.

79. In response to another Member's enquiry on whether night time operation should be restricted as per the requests from Woodland Crest, Members generally agreed that a condition to prohibit any night time operation between 7p.m. and 8a.m. should be included.

80. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 7.7.2009, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no night time operation between 7p.m. and 8a.m. was allowed within the application site during the planning approval period;
- (b) no repairing work for and parking of heavy goods vehicles was allowed during the planning approval period;

- (c) the drainage facilities on the application site should be maintained at all times during the planning approval period;
- (d) the submission of tree preservation and landscaping proposals within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 7.1.2007;
- (e) in relation to (d) above, the implementation of tree preservation and landscaping proposals within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 7.4.2007;
- (f) if any of the above planning conditions (a), (b) or (c) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (g) if any of the above planning conditions (d) or (e) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and
- (h) upon expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the TPB.

81. The Committee also agreed to advise the applicant :

- (a) to resolve any land issues relating to the development with the concerned owner(s) of the application site;
- (b) to follow the environmental mitigation measures as recommended in the 'Code of Practice on Handling Environmental Aspects of Open Storage and Temporary Uses' issued by the Environmental Protection Department in order to minimize the potential environmental impacts on the adjacent area;

- (c) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department that the granting of the planning permission should not be construed as condoning to any structures erected on the site under the Buildings Ordinance and the allied regulations. Actions appropriate under the said Ordinance or other enactment might be taken if contravention was found; and
- (d) to note the comments of the Chief Engineer/Development(2), Water Supplies Department (WSD) that:
 - (i) no discharge of effluent within the gathering grounds was allowed without the prior approval from WSD. All wastes and sludge arising from the development should be disposed of properly outside the gathering grounds;
 - (ii) no chemicals, including fertilizers, pesticides or herbicides were allowed to be used within the gathering grounds without the prior approval from WSD. The storage and discharge of pesticide or toxicant, flammable or toxic solvents, petroleum oil or tar and other toxic substances were strictly prohibited within the gathering grounds;
 - (iii) if public sewer was not available, approval was required for the installation of toilets with septic tank/soakaway pit system;
 - (iv) the septic tank/soakaway pit system should be at a distance of not less than 30m away from any watercourse. The whole system should be properly maintained and desludged at a regular frequency. The sludge should be carried away and disposed of properly outside the gathering grounds;
 - (v) licensing of the septic tank/soakaway pit system was required by the Environmental Protection Department (EPD) if the proposed site fell

within Water Control Zones. EPD would control household septic tanks by design and maintenance standards; and

- (vi) should pollution be detected due to the development, immediate remedial actions to clear the pollution should be taken by the applicant.

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

[Open Meeting (Presentation and Question Session only)]

- (ii) A/NE-KTN/118 Temporary Open Storage of Container Trailers for Sale and Container Trailer/Tractor Park for a Period of 3 Years in “Open Storage” and “Road” zones, Lots 106, 108-110, 112-120, 122 (Part), 165A in DD 95 and Adjoining Government Land, Ho Sheung Heung, Kwu Tung
(RNTPC Paper No. A/NE-KTN/118)
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Presentation and Question Session

82. Miss Alice Y.C. Liu, STP/STN, pointed out that the landscaping area mentioned in paragraph 1.4 of the Paper should be 280m² after taking out the land which was included in the previous application (Application No. A/NE-KTN/98) but not included in the current one.

83. Miss Alice Y.C. Liu presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) temporary open storage of container trailers for sale and container trailer/tractor park;

- (c) departmental comments – the Director of Environmental Protection (DEP) did not support the application as there were sensitive users in the vicinity of the site and the access road and environmental nuisance was expected;
- (d) no public comment received during the statutory publication period but objections from the VRs of Kwu Ting Village were received by the District Officer (DO); and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application for reasons as detailed in paragraph 12.2 of the Paper in that the application was not incompatible with the surrounding land uses which were predominantly open storage yards, car parks, warehouse and workshops; previous approval had been given for the same use; all approval conditions had been complied with; and there was no change in planning circumstances since the last approval. Although DEP did not support the application and local objections were received by the District Officer, there was no environmental complaint received in the past few years and the applicant would be advised to undertake environmental mitigation measures specified in the “Code of Practice on Handling Environmental Aspects of Open Storage and Temporary Uses” to alleviate any potential environmental impacts.

84. In response to a Member's enquiry, Miss Alice Y.C. Liu replied that the last approval for Application No. A/NE-KTN/98 was given on review by the Town Planning Board on 4.7.2003.

Deliberation Session

85. A Member was of the view that the objections from the Village Representatives (VRs) should be respected. From time to time, the VRs, the concerned District Council Member and villagers of Ho Sheung Heung had expressed to this Member their objections to the open storage use in the area, which was adversely affecting the rural character and

hindered their effort in developing cultural tourism in the area.

86. Mr. Francis H.K. Ng advised that the District Lands Officer/North (DLO/N) received a local objection in 2003 on grounds of adverse impacts on air, traffic and water quality, as stated in paragraph 10.1.1. However, no further objection had been received since then.

87. The Secretary reported that the DO consulted the Chairman of the Sheung Shui Rural Committee, the VRs of Ho Sheung Heung and Kwu Tung and the concerned North District Council Member on the previous application No. A/NE-KTS/98. They and the management committee of the nearby primary school all objected to the application mainly on grounds of adverse traffic, noise and fung shui impacts. They were also concerned about the poor ground condition of the proposed container tractor/trailer park as it was paved with a mixture of mud and reused asphalt which created noise and dusts.

88. Members were of the view that the VRs' comments should be respected. However, a Member queried if the VRs were giving their personal views instead of reflecting collective comments from villagers. This Member's experience was that the District Officer usually asked for personal views of the consulted person, instead of that of the consultee's constituent. Another Member concurred with his view.

89. Mr. W.K. Hui responded that the VRs consulted had not given any reason on their objection to the current application. There was no information on whether the objection was the VRs' own view. However, it should be noted that no public comment was received during the statutory publication period.

90. Members noted that the site and the surrounding area had been zoned "Open Storage" ("OS") for a long time. The planning intention was to avoid the further haphazard proliferation of open storage uses and to channel them to already established areas. There were also various kinds of open storage uses existing in the area.

91. A Member noted that the application site had been in use as a container trailer/tractor park for over 10 years and no environmental complaint had been received.

The last objection received by DLO/N was in 2003. The site was zoned “OS” and there was a need to provide for orderly development of land for open storage uses. Though the VRs objected to the application, they had not given any reason to substantiate their objection and there was no strong justification for departing from the last decision.

92. The Secretary stated that the application was rejected by the Committee but approved with conditions by the Town Planning Board upon hearing of the applicant’s justifications. The reasons for the approval as detailed in the minutes of the meeting at which Application No. A/NE-KTN/98 was considered were that the noise level generated by the operation within the application site met the required standard in the Technical Memorandum; the application was not for a public container tractors and trailers park and the potential traffic noise impact would probably not be too significant; the application site was within ‘Category 1’ area under the TPB Guidelines No. 13C and the application was to continue the operation of a previously approved one; there was no local objection from the residents in the vicinity of the application site; the applicant was willing to accept approval conditions, including that on no night time operation; and the applicant had complied with approval conditions of the previous application.

93. Members generally agreed that the application should be approved taking into account its “OS” zoning, previous approvals, and no strong local objections. However, a planning condition restricting the operation hours between 8a.m. and 7p.m. should be included.

94. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 7.7.2009, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no night time operation between 7p.m. and 8a.m. was allowed within the application site during the planning approval period;
- (b) the existing trees on the site should be maintained at all times during the planning approval period;

- (c) the drainage facilities on the application site should be properly maintained at all times during the planning approval period;
- (d) the submission of an updated traffic impact assessment as agreed under Application No. A/NE-KTN/98 within 3 months from the date of planning approval to the satisfaction of the Commissioner for Transport or of the TPB by 7.10.2006;
- (e) in relation to (d) above, the implementation of traffic improvement proposals identified in the revised TIA within 6 months from the date of planning approval to the satisfaction of the Commissioner for Transport or of the TPB by 7.1.2007;
- (f) the submission of proposals to set back the site boundary and improve the road bend in front of the site along Ho Sheung Heung Road within 6 months from the date of planning approval to the satisfaction of the Commissioner for Transport or of the TPB by 7.1.2007;
- (g) in relation to (f) above, the setting back of the site boundary and improvement of the road bend in front of the site along Ho Sheung Heung Road within 9 months to the satisfaction of the Commissioner for Transport or of the TPB by 7.4.2007;
- (h) the submission of landscaping proposals within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 7.1.2007;
- (i) in relation to (h) above, the implementation of landscaping proposals within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 7.4.2007;
- (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; and

- (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.

95. The Committee also agreed to advise the applicant :

- (a) to resolve any land issues relating to the development with the concerned owner(s) of the application site;
- (b) to inform the owners of the subject lots to apply to the District Lands Office/North, Lands Department for Short Term Waiver and Short Term Tenancy for the regularization of the unauthorized structures and occupation of the Government land;
- (c) to note that the cost of any necessary diversion of the existing water mains affected by the development should be borne by the applicant;
- (d) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department that the granting of the planning permission should not be construed as condoning to any structures erected on the site under the Buildings Ordinance and the allied regulations. Actions appropriate under the said Ordinance or other enactment might be taken if contravention was found. The use of container as offices and staff rest rooms were considered as temporary buildings and were subject to control of Building (Planning) Regulations Part VII. Formal submission of any proposed new building works for approval under the Buildings Ordinance was required; and
- (e) to follow the environmental mitigation measures as recommended in the 'Code of Practice on Handling the Environmental Aspects of Open Storage

and Temporary Uses' in order to minimize the potential environmental impacts on the adjacent area.

[Open Meeting (Presentation and Question Session only)]

(iii) A/NE-KTS/226 Proposed New Territories Exempted House (NTEH)
(Small House)
in "Agriculture" and "Village Type Development" zones,
Lot 1486V in DD 100, Lin Tong Mei Village,
Sheung Shui
(RNTPC Paper No. A/NE-KTS/226)

(iv) A/NE-KTS/227 Proposed New Territories Exempted House (NTEH)
(Small House)
in "Agriculture" and "Village Type Development" zones,
Lot 1486W in DD 100, Lin Tong Mei Village,
Sheung Shui
(RNTPC Paper No. A/NE-KTS/227)

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

Presentation and Question Session

96. Noting that Applications No. A/NE-KTS/226 and 227 were similar in nature and the application sites were adjoining each other, the Committee agreed to consider the two applications together.

97. Miss Alice Y.C. Liu, STP/STN, presented the applications and covered the following aspects as detailed in the Paper :

- (a) background to the applications;
- (b) proposed NTEH (Small House) at each of the application sites of

Applications No. A/NE-KTS/226 and 227;

- (c) departmental comments – the Director of Agriculture, Fisheries and Conservation was not in favour of the applications from agricultural development point of view as the grading of the application sites was ‘good’ according to their categorization of agricultural land and the potential for agricultural rehabilitation was high;
- (d) no public comment received during the statutory publication period and no local objection/view received by the District Officer; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the applications for reasons as detailed in paragraph 11.1 of the respective Paper in that the proposed Small Houses complied with the interim criteria for assessing planning application for NTEH/Small House development as the application sites were entirely located within the village “environs” of Lin Tong Mei Village and there was a general shortage of land in meeting the demand for Small House development in the “Village Type Development” zone; and the proposed Small Houses were compatible with the residential character of the surrounding areas and would unlikely cause adverse environmental, traffic and drainage impacts on the surrounding area.

98. Members had no question on the applications.

Deliberation Session

99. After deliberation, the Committee decided to approve Applications No. A/NE-KTS/226 and A/NE-KTS/227, on the terms of the applications as submitted to the Town Planning Board (TPB). The permissions for each application should be valid until 7.7.2010, and after the said date, the permissions should cease to have effect unless before the said date, the developments permitted were commenced or the permissions were renewed. The permissions were each 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 TPB;
- (b) the design and provision of emergency vehicular access to the satisfaction of the Director of Fire Services or of the TPB; and
- (c) the submission and implementation of landscaping proposals to the satisfaction of the Director of Planning or of the TPB.

100. The Committee also agreed to advise the applicants to note the Chief Engineer/Development (2), Water Supplies Department (WSD)'s comments to assess the need to extend his inside services to the nearest Government water mains for connection. The applicants should resolve any land matter (such as private lots) associated with the provision of water supply and be responsible for the construction, operation and maintenance of the inside services within private lots to WSD's standard. The applicants should also note that water mains in the vicinity of the application sites could not provide the standard fire-fighting flow.

[Open Meeting (Presentation and Question Session only)]

- (v) A/NE-KTS/228 Proposed Houses and Minor Relaxation of Site Coverage from 20% to 22% for the Proposed Residential Development in "Residential (Group C)2", "Government, Institution or Community", "Open Space", "Green Belt", "Agriculture" and 'Road' zones, Lot 2233 and Various Lots in DD 95 and Adjoining Government Land, Kwu Tung South, Sheung Shui (New Lot to be known as Lot 2242 in DD 95) (RNTPC Paper No. A/NE-KTS/228)
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Presentation and Question Session

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

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

102. Miss Alice Y.C. Liu, STP/STN, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) proposed houses and minor relaxation of site coverage from 20% to 22% for the proposed residential development;
- (c) departmental comments – the Chief Town Planner/Urban Design and Landscape had reservation on the application from landscape planning point of view as more existing trees on site might be affected and less areas would be available for greening or landscaping as compared to the two previously approved applications;
- (d) two public comments were received during the statutory publication period. One was from a Village Representative (VR) of Kwu Tung Village (South) objecting on grounds of adverse impacts on fung shui, environment, traffic and infrastructure. The VR of Kwu Tung had also raised objection through the District Officer/North. The other objection was lodged by nearby residents; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application for the reasons as detailed in paragraph 10.1 of the Paper in that the land uses and major development parameters remained the same as the previous approval and were in compliance with the provisions of the

“Residential (Group C)2” (“R(C)2”) zone; the proposed increase of site coverage from 20% to 22% had already been approved in the last scheme by the Committee in 2005; the encroachment on “Open Space” and “Agriculture” zone was minimal and could be considered as minor boundary adjustments; an approval condition would be imposed to require the submission and implementation of tree preservation and landscaping proposals; and concerned Government departments had no objection to the application. Regarding the public comments and local objection, ‘fung shui’ was not a planning issue and outside the purview of the Committee.

103. Members had no question on the application.

Deliberation Session

104. The Chairman noted that the current application was to combine two previously approved applications on the sites to the north and south of Kwu Tung Road respectively. The major planning parameters were the same except for the amendments on the number of houses and corresponding adjustments to the car parking spaces.

105. In response to the Chairman’s enquiry on the grounds of the objections, Miss Alice Y.C. Liu, STP/STN, said that the applicant was the sole owner of the application site. The claim that the site encroached upon land owned by Tseng Yick Lun Tong was not substantiated. The District Officer/North also had no records of the land owned by Tseng Yick Lun Tong. According to the applicant, the Tseng Yick Lun Tong land was encroached upon by the proposed Road A outside and to the west of the application site. Lot 525 in DD95 mentioned by the public commenter was not included in the application site. The Europa Garden was zoned “R(C)2” and located to the further west of the application site. However, the northern part of the application site was once known as Phase II of Europa Garden according to the applicant. Although the public was concerned about the impacts on the environment, traffic and infrastructure, Government departments had no objection to the application.

106. Members agreed that the increase in the site coverage from 20% to 22% was minor. Members were also in consensus that the developer should maintain communication with the locals to explain his intention for the development project with a view to resolving any misunderstanding.

107. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 7.7.2010, 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 provision of vehicular access road, parking spaces and loading/unloading facilities to the satisfaction of the Commissioner for Transport or of the TPB;
- (b) the submission and implementation of tree preservation and landscaping proposals to the satisfaction of the Director of Planning or of the TPB;
- (c) the submission and implementation of drainage proposals to the satisfaction of the Director of Drainage Services or of the TPB;
- (d) the design and implementation of sewage treatment facilities/sewer connections to the application site to the satisfaction of the Director Environmental Protection or of the TPB;
- (e) no population intake should be allowed prior to the completion of Shek Wu Hui Sewage Treatment Works upgrading works currently scheduled in 2009;
- (f) the design and provision of fire services installations and water supply for fire fighting to the satisfaction of the Director of Fire Services or of the TPB; and

- (g) the submission of a natural terrain hazard study and the implementation of the mitigation measures identified therein to the satisfaction of the Director of Civil Engineering and Development or of the TPB.

108. The Committee also agreed to advise the applicant :

- (a) to seek approval from the District Lands Officer/North, Lands Department for the proposed land exchange;
- (b) to note the Chief Engineer/Development(2), Water Supplies Department's comment that the developer should bear the cost of any necessary diversion works of existing water mains affected by the proposed residential development;
- (c) to note the comments from Chief Building Surveyor/New Territories West, Buildings Department that the proposed roundabout at the southern portion of the application site should be deducted from site area for the purposes of site coverage and plot ratio calculations under Building (Planning) Regulations (B(P)Rs). Any internal streets, if required, under s.16(1)(p) of the Buildings Ordinance should be deducted from site area for the purposes of site coverage and plot ratio calculations under B(P)Rs. The provision of emergency vehicular access to all the buildings within the application site should in all aspects comply with the B(P)R 41D. Each site should be self-sustainable with permissible gross floor area, plot ratio and site coverage capped under the First Schedule of B(P)R separately;
- (d) to consult the Director of Leisure and Cultural Services, and Chief Highways Engineer/New Territories East, Highways Department should any tree on public roads be affected;
- (e) to note the Chief Highway Engineer/New Territories East, Highways Department's comments that all private facilities and structures should be constructed within the lot and maintained by the lot owner; and

- (f) to note the local views/objection at Appendix III of the Paper, and brief and liaise with the local villagers regarding the proposed development.

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

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

[Open Meeting (Presentation and Question Session only)]

- (vi) A/NE-LK/46 Proposed Public Utility Pipeline
(Electricity Cable Duct Crossing)
in “Coastal Protection Area” zone,
Luk Keng Road near Highways Bridge N120,
Tai Wan, Luk Keng
(RNTPC Paper No. A/NE-LK/46)
-

Presentation and Question Session

109. Miss Alice Y.C. Liu, STP/STN, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) proposed public utility pipeline (electricity cable duct crossing);
- (c) departmental comments – no objection from concerned Government departments was received;
- (d) no public comment received during the statutory publication period and the Village Representatives of Nam Chung, Luk Keng informed the District Officer that they supported the application; and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application for reasons as detailed in paragraph 10.1 of the Paper in that the use was an essential service to the villages and future developments in the area; it was small in scale and not incompatible with the rural character of the surrounding areas; no adverse impacts on the surrounding area would be resulted in view of the nature and design of the use; and Government departments had no adverse comment on the application.

110. In response to a Member's enquiry, the Chairman replied that it was unlikely that Luk Keng Road would be widened in the near future as the area was zoned "Coastal Protection Area" for conservation purpose and there was limited development pressure in the area. Another Member concurred and pointed to the danger of attracting container traffic through the area if Luk Keng Road were widened.

Deliberation Session

111. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 7.7.2010, 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 condition on the submission of the details of the temporary works to demonstrate that it would not affect the hydraulics of the Nam Chung River prior to commencement of the proposed works to the satisfaction of the Director of Drainage Services or of the TPB.

112. The Committee also agreed to advise the applicant :

- (a) to strictly confine the works within the works boundary and implement good site practice and other appropriate measures to avoid disturbance to the adjoining natural habitats and wildlife therein;
- (b) to seek comment from New Territories East Region Office of Water Supplies Department for the protection of the existing water mains and

waterworks installation in the vicinity of the proposed works;

- (c) to note the comments of the Chief Highway Engineer/New Territories East, Highways Department that :
- (i) the cable structure should have a clearance of 1.5m from the carriageway bridge N120;
 - (ii) the proposed cable duct bridge works should not disturb the existing carriageway bridge. If the carriageway bridge N120 was affected, the applicant should bear the cost for any necessary repair works and any consequences so caused by the proposed works;
 - (iii) any affected highway features, such as pavement, roadside planters, traffic signs and road markings, at the public roads should be reinstated to the satisfaction of the Highways Department and Transport Department;
 - (iv) the proposed cable ducts to be laid at the public roads should comply with the minimum cover requirements for utilities as stipulated in Highways Department Technical Circular No. 3/90;
 - (v) Settlement and Tilting Monitoring of the carriageway bridge should be carried out at a frequency, say weekly, during construction and monthly after construction for tentatively 6 months and subject to review;
 - (vi) Excavation Permit should be obtained from the Highways Department prior to commencement of any excavation works on the public roads; and
 - (vii) as the proposed cable duct crossing was near or adjacent to a public road namely Luk Keng Road, submission to the Advisory

- (c) departmental comments – no objection from concerned Government departments was received;
- (d) no public comment received during the statutory publication period and no local objection/view received by the District Officer; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the applications for reasons as detailed in paragraph 11.1 of the respective Paper in that the proposed Small Houses complied with the interim criteria for assessing planning application for NTEH/Small House development as the application sites were located entirely within the village “environs” of Lung Yeuk Tau and there was a general shortage of land in meeting the demand for Small House development in the “Village Type Development” zone; concerned Government departments, including the Director of Agriculture, Fisheries and Conservation, had no adverse comments.

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

115. Members had no question on the applications.

Deliberation Session

116. After deliberation, the Committee decided to approve Applications No. A/NE-LYT/333 and 334, on the terms of the applications as submitted to the Town Planning Board (TPB). The permissions should be valid until 7.7.2010, and after the said date, the permissions should cease to have effect unless before the said date, the developments permitted were commenced or the permissions were renewed. The permissions were each subject to the following conditions :

- (a) the submission and implementation of drainage proposal to the satisfaction of the Director of Drainage Services or of the TPB; and

- (b) the submission and implementation of a landscaping proposal to the satisfaction of the Director of Planning or of the TPB.

117. The Committee also agreed to advise the applicants to note the Chief Engineer/Development (2), Water Supplies Department (WSD)'s comments to assess the need to extend his inside services to the nearest Government water mains for connection. The applicants should resolve any land matter (such as private lots) associated with the provision of water supply, and be responsible for the construction, operation and maintenance of the inside services within private lots to WSD's standard. The applicants should also note that water mains in the vicinity of the applications site could not provide the standard fire-fighting flow.

[Open Meeting (Presentation and Question Session only)]

- (ix) A/NE-LYT/335 Proposed Temporary Public Vehicle Park
for Private Cars and Light Goods Vehicles
for a Period of 3 Years
in "Agriculture" zone,
Lot 1511RP(Part) in DD 83,
Wing Ning Wai, Fanling
(RNTPC Paper No. A/NE-LYT/335)

Presentation and Question Session

118. Miss Alice Y.C. Liu, STP/STN, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) proposed temporary public vehicle park for private cars and light goods vehicles;
- (c) departmental comments – no objection from concerned Government departments was received;

- (d) no public comment received during the statutory publication period and one local view from the Village Representative of Lung Yeuk Tau received by the District Officer supporting the application; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application for reasons as detailed in paragraph 11.1 of the Paper in that previous approval was given in 2003 under Application No. A/NE-LYT/256 for the same use and the approval conditions had been complied with; Government departments had no adverse comment on the application; and no local objection had been received.

Deliberation Session

119. In response to the Chairman's and a Member's enquiry, Mr. W.K. Hui, DPO/STN, confirmed that the current application was for temporary public vehicle park for private cars and light goods vehicles. The previously rejected Application No. A/NE-LYT/317 was for open storage of plastic tube and construction articles, and the applicant had yet to remove the construction materials and plastic tube from the site. The site was the subject of an enforcement case closely monitored by the Central Enforcement and Prosecution Unit of Planning Department.

120. Members generally agreed that a planning condition should be added clearly stating that no repairing work for and parking of heavy goods vehicles would be allowed on site. Besides, the applicant should be advised that the permission was only given to the proposed temporary public vehicle park for private cars and light goods vehicles. It did not condone any other use/development existing on the site that was not covered by the application. The applicant should take immediate action to discontinue such use/development not covered by the permission.

121. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years up to 7.7.2009, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no repairing work for and parking of heavy goods vehicles were allowed during the planning approval period;
- (b) the existing landscape planting on the site should be maintained at all times during the planning approval period;
- (c) the submission of a site layout plan showing the proposed car parking spaces and manoeuvring paths within 6 months from the date of planning approval to the satisfaction of the Commissioner for Transport or of the TPB by 7.1.2007;
- (d) in relation to (c) above, the implementation of proposals for vehicular access, parking and manoeuvring paths within 9 months from the date of planning approval to the satisfaction of the Commissioner for Transport or of the TPB by 7.4.2007;
- (e) 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 TPB by 7.1.2007;
- (f) in relation to (e) 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 TPB by 7.4.2007;
- (g) if any of the above planning conditions (a) or (b) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice; and
- (h) if any of the above planning conditions (c), (d), (e) or (f) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice.

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

123. The Committee also agreed to advise the applicant to apply to the District Land Office/North for the erection of the watchman shed.

[Open Meeting (Presentation and Question Session only)]

- (x) A/NE-MUP/51 Temporary Plastic Waste Storage and Recycling Yard
for a Period of 3 Years
in “Agriculture” zone,
Lots 165BRP(Part) and 167(Part) in DD 38,
Man Uk Pin, Sha Tau Kok
(RNTPC Paper No. A/NE-MUP/51)
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Presentation and Question Session

124. Miss Alice Y.C. Liu, STP/STN, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) temporary plastic waste storage and recycling yard;
- (c) departmental comments – the Director of Agriculture, Fisheries and Conservation (DAFC) was not in favour of the application from agricultural development point of view as the grading of the site was ‘good’ according to the categorisation of agricultural land and the proposed use would cause adverse impact on agricultural activities in the

vicinity of the site; the Director of Environmental Protection (DEP) did not support the application as there were sensitive uses in the vicinity of the application site and environmental nuisance was expected.

- (d) a public comment was received during the statutory publication period and a local objection was received by the District Officer. Both of them were from the Indigenous Inhabitants Representatives of Man Uk Pin and the Man Uk Pin villagers objecting on grounds of adverse impacts on air, health of nearby residents, and the general environment; and
- (e) the Planning Department (PlanD)'s views – PlanD did not support the application for reasons as detailed in paragraph 12.2 of the Paper. The application did not comply with the TPB Guidelines No. 13D for Application for Open Storage and Port Back-up Uses area as the approval conditions of the previous approval had not been complied with and no technical submission had been submitted to demonstrate that the use would not generate adverse environmental impacts on the surrounding areas. Both DEP and DAFC did not support the application and local objection was received. Their concerns could not be addressed through the inclusion of approval conditions. The approval of the application would set an undesirable precedent for other similar applications and the cumulative effects would result in a general degradation to the environment.

125. In response to the Chairman's enquiry, Miss Alice Y.C. Liu confirmed that the current application included an expansion area to the eastern part of the previous application site and encroached onto vacant agricultural land not in use before.

Deliberation Session

126. Members noted that the application was an expansion of the existing suspected unauthorised operation encroaching onto vacant agricultural land and that caution should be taken in particular for this case as it involved waste storage and recycling yard uses.

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

- (a) the development under application did not comply with the TPB Guidelines for ‘Application for Open Storage and Port Back-up Uses’ in that there were adverse departmental comments and local objections; and
- (b) there was insufficient information in the submission to demonstrate that the uses under application would not have any adverse environmental impact on the surrounding areas.

[The Chairman thanked Mr. W.K. Hui, DPO/STN, and Miss Alice Y.C. Liu, STP/STN, for their attendance to answer Members’ enquiries. Mr. Hui and Miss Liu left the meeting at this point.]

Agenda Item 6

Any Other Business

[Open Meeting (Presentation and Question Session only)]

A/YL-TYST/285-3 Extension of Time for Compliance with Planning
Conditions under Application No. A/YL-TYST/285
in “Residential (Group C)” zone,
Lots 1294(Part), 1295(Part), 1298(Part),
1301(Part), 1302, 1303, 1304(Part), 1305(Part),
1306(Part) and 1307 in DD 119,
Pak Sha Tsuen, Tong Yan San Tsuen, Yuen Long

(RNTPC Paper No. A/YL-TYST/285-3)

128. The Secretary reported that an extension of time for compliance with planning conditions under Application No. A/YL-TYST/285 was received on 3.7.2006. The

application was approved by the Town Planning Board (TPB) for temporary warehouse for storage of building materials for a period of 1 year up to 7.10.2006 subject to approval conditions. Approval condition (g) relating to provision of emergency vehicular access, water supply for fire-fighting and fire services installations proposals was yet to be complied with but the deadline for compliance, which had been extended once, was 7.7.2006 (i.e. the day of this RNTPC meeting). In accordance with the practice adopted by the TPB, such late application might not be considered as there would be insufficient time for obtaining departmental comments.

129. The Secretary continued to say that the applicant claimed in his letter on 6.7.2006 that all the approval conditions had been complied with. However, inadequate time had been given for the Director of Fire Services (D of FS) to check if the conditions were complied with to his satisfaction.

130. Members generally agreed not to consider the application for extension of time as there was insufficient time to obtain departmental comments before the expiry of the specified time limit for compliance with the approval condition. However, D of FS's comments should be reported to the Committee at the next meeting to confirm if the approval condition had been complied with.

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