

TOWN PLANNING BOARD

Minutes of 330th Meeting of the Rural and New Town Planning Committee held at 2:30 p.m. on 21.7.2006

Present

Director of Planning
Mr. Bosco C.K. Fung

Chairman

Mr. Michael K.C. Lai

Vice-chairman

Ms. Carmen K.M. Chan

Professor Nora F.Y. Tam

Mr. David W.M. Chan

Dr. Lily Chiang

Mr. Tony C.N. Kan

Mr. Edmund K.H. Leung

Dr. C.N. Ng

Mr. B.W. Chan

Mr. Y.K. Cheng

Ms. Anna S.Y. Kwong

Dr. James C.W. Lau

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

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

Deputy Director of Planning/District
Mr. Anthony T.K. Kwan

Secretary

Absent with Apologies

Professor David Dudgeon

Professor Peter R. Hills

Mr. Alfred Donald Yap

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

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

In Attendance

Assistant Director of Planning/Board
Mr. Lau Sing

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

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

Vote of Thanks

1. As it was the last Rural and New Territories Planning Committee (RNTPC) meeting for the Chairman before his retirement, the Chairman thanked all Members for their support and participation during the past years. On behalf of the Committee, the Vice-chairman proposed a vote of thanks to the Chairman. The Vice-chairman thanked the Chairman for his leadership and wished the Chairman the best of health in the years to come.

Agenda Item 1

Confirmation of the Draft Minutes of the 329th RNTPC Meeting held on 7.7.2006

[Open Meeting]

2. The draft minutes of the 329th RNTPC meeting held on 7.7.2006 were confirmed without amendments.

Agenda Item 2

Matters Arising

[Open Meeting]

Application No. A/YL-TYST/285-3

3. The Secretary reported that an application for extension of time for compliance with approval condition (g) relating to provision of emergency vehicular access, water supply for fire-fighting and fire service installations proposals under Application No. A/YL-TYST/285 was considered by the Committee under 'Any Other Business' at its last meeting. The Committee agreed not to consider the application as there was insufficient time to obtain departmental comments before the expiry of the specified time limit (i.e. 7.7.2006) for compliance with the approval condition. The Committee, however, agreed that the comments from the Director of Fire Services (D of FS) should be reported to the Committee to confirm if the approval condition had been complied with, as claimed by the applicant in his letter on 6.7.2006. The D of FS confirmed on 11.7.2006 that approval condition (g) was considered not complied with. The applicant was informed in writing of the comments of D of FS on 19.7.2006. Under such circumstances, the planning approval

for Application No. A/YL-TYST/285 was deemed to lapse and revocation letter would be issued to the applicant in due course. Members agreed.

Sha Tin, Tai Po and North District

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

Agenda Item 3

Section 16 Applications

[Open Meeting (Presentation and Question Sessions Only)]

- (i) A/MOS/67 Proposed House (New Territories Exempted House (NTEH) – Small House) in “Village Type Development” and “Green Belt” zones, Government Land in DD 196, Tai Shui Hang Village, Ma On Shan (RNTPC Paper No. A/MOS/67)
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Presentation and Question Sessions

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

- (a) background to the application;
- (b) proposed House (NTEH – Small House);
- (c) departmental comments – no objection from concerned Government departments was received;

- (d) one supporting public comment was received during the statutory publication period; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application for reasons given in paragraph 12.1 of the Paper.

5. Members had no question on the application.

Deliberation Session

6. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board and subject to the condition that the submission of site formation and drainage proposals and provision of drainage facilities to the satisfaction of the Director of Drainage Services or of the Town Planning Board. The permission should be valid until 21.7.2010, 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.

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

- (a) assess the need to extend his inside services to the nearest Government water mains for connection, and to resolve the land matters associated with the provision of water supply. He should also be responsible for the construction, operation and maintenance of the inside services within the private lots to the Water Supplies Department's standards;
- (b) note that water mains in the vicinity of the application site could not provide the standard fire-fighting flow; and
- (c) avoid disturbance and pollution to the stream in the vicinity of the application site during the proposed works.

[Open Meeting (Presentation and Question Sessions Only)]

- (ii) A/NE-HT/2 Proposed House (New Territories Exempted House (NTEH) – Small House)
in “Village Type Development” and “Agriculture” zones,
Lot 850 in DD 76, Hok Tau Wai, Fanling
(RNTPC Paper No. A/NE-HT/2)
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Presentation and Question Sessions

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

- (a) background to the application;
- (b) proposed House (NTEH – Small House);
- (c) departmental comments – no objection from concerned Government departments was received;
- (d) two public comments were received during the statutory publication period, both objecting to the application on the grounds of adverse environmental impact on the rural setting and nearby ecologically sensitive river, poor accessibility of the site and no drainage and sewerage provision; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application for reasons given in paragraph 11.1 of the Paper.

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

9. A Member said that item 3 in paragraph 9.1 of the Paper should be amended as ‘No’ instead of ‘Yes’ given that there was a shortage of land in “Village Type Development” (“V”) zone to meet outstanding Small House demand.

10. In response to the same Member’s question on why the application site was larger than the footprint of the proposed Small House, Mr. W.K. Hui, DPO/STN, said that the

application site followed the lot boundary owned by the applicant. The Building Licence which would be issued by the Lands Department (LandsD) would only cover the footprint of the Small House with a site area of 700 sq. ft., which should be located within the “V” zone.

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

11. Referring to Plan A-3 of the Paper, a Member raised concerns that as the application site was located amidst a large piece of low lying agricultural land with no road access, land filling associated with the construction of Small House would cause adverse ecological impact on the surrounding rural environment. This Member asked whether there was any control on land filling activities and whether the applicant would be required to reinstate the land that might be affected during the construction stage of the Small House. In reply, Mr. W.K. Hui said that appropriate approval conditions could be imposed to require the applicant to minimize the possible environmental impact. Besides, the applicant needed to apply for a Certificate of Exemption for site formation work from the LandsD and thus land filling could be put under control. Mr. Francis Ng supplemented that if land filling was required, the applicant would need to submit a proposal to LandsD for approval. LandsD would take note of the Committee’s concerns as recorded in the minutes of the RNTPC meeting in processing the applicant’s submission.

12. In response to the Chairman’s enquiry on whether the Agriculture, Fisheries and Conservation Department (AFCD) was consulted on the ecological impact on the surrounding rural environment, Mr. W.K. Hui referred Members to paragraph 11.2 of the Paper and said that the AFCD had been consulted and advised that Tan Shan River was at least 400m away from the site. Given the small scale of the proposed Small House development, it was considered that the development would unlikely cause adverse ecological impact on the Tan Shan River.

Deliberation Session

13. The Chairman said that the footprint of the proposed Small House was located within the “V” zone and ‘Village Environs’ of Hok Tau Wai. The applicant was an indigenous villagers and his right for building a Small House within the “V” zone should be respected. A Member opined that the size of the application site should be reduced to exclude the part falling within the “Agriculture” (“AGR”) zone to minimize the adverse

impact on other parts of Hok Tau. The Chairman responded that the applicant could be reminded to locate the footprint of the Small House entirely within the “V” zone. Members agreed.

14. 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 21.7.2010, 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 Town Planning Board; and
- (b) the design and provision of drainage facilities to the satisfaction of the Director of Drainage Services or of the Town Planning Board.

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

- (a) note that the footprint of the Small House would be entirely located within the “Village Type Development” zone;
- (b) assess the need to extend his inside services to the nearest Government water mains for connection, and to resolve any land matter (such as private lots) associated with the provision of water supply and should be responsible for the construction, operation and maintenance of the inside services within private lots to Water Supplies Department’s (WSD) standards;
- (c) note that water mains in the vicinity of the application site could not provide the standard fire-fighting flow; and
- (d) note that the site was located within WSD flood pumping gathering grounds associated with River Indus and River Ganges pumping stations.

[Open Meeting (Presentation and Question Sessions Only)]

- (iii) A/NE-FTA/76 Proposed Temporary Open Storage of Construction Materials for a Period of 3 Years in “Agriculture” zone, Lots 184RP, 186RP(Part) and 187RP(Part) in DD 52, Sheung Shui Wah Shan Village, Sheung Shui (RNTPC Paper No. A/NE-FTA/76)
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Presentation and Question Sessions

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

- (a) background to the application;
- (b) proposed temporary open storage of construction materials for a period of 3 years;
- (c) departmental comments – the Environmental Protection Department did not support the application as there was a sensitive use in the vicinity of the site and the access road, and environmental nuisance was expected. Transport Department had reservation on the proposed development as the existing access road leading to the application site was a substandard track of a width less than 4m and without footpath, which was not desirable for use by large and container vehicles;
- (d) no public comment was received during the statutory publication period, but two local objections were received from the District Officer mainly on environmental and fire hazard grounds; and
- (e) the Planning Department (PlanD)’s views – PlanD did not support the application for reasons given in paragraph 12.2 of the Paper in that the proposed development did not comply with the Town Planning Board Guidelines No. 13D for ‘Application for Open Storage and Port Back-up

Uses'. The access road was not suitable for use by large goods vehicles. There was insufficient information in the submission to demonstrate that the proposed development would not cause adverse environmental impact on the surrounding areas.

17. Members had no question on the application.

Deliberation Session

18. The Chairman referred Members to Plan A-1 of the Paper and said that similar applications to the south of the application site were previously rejected by the Committee on traffic and environmental grounds. Approving the current application would set an undesirable precedent.

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

- (a) the proposed open storage of construction materials was not in compliance with Town Planning Board Guidelines for 'Application for Open Storage and Port Back-up Uses' in that there was no previous planning approval granted to the application site;
- (b) the access road leading to the application site was sub-standard and was not suitable for use by large goods vehicles; and
- (c) there was insufficient information in the submission to demonstrate that the proposed development would not cause adverse environmental and traffic impacts on the surrounding areas.

[Open Meeting (Presentation and Question Sessions Only)]

- (iv) A/NE-KTS/229 Proposed House (New Territories Exempted House (NTEH) – Small House)
in “Village Type Development” and “Agriculture” zones,
Lots 3345D, 3346B in DD 91 and 1486S in DD 100,
Lin Tong Mei, Sheung Shui
(RNTPC Paper No. A/NE-KTS/229)
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- (v) A/NE-KTS/230 Proposed House (NTEH – Small House)
in “Village Type Development” and “Agriculture” zones,
Lots 1481CA and 1486N in DD 100,
Lin Tong Mei, Sheung Shui
(RNTPC Paper No. A/NE-KTS/230)
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- (vi) A/NE-KTS/231 Proposed House (NTEH – Small House)
in “Village Type Development” and “Agriculture” zones,
Lot 1486U in DD 100,
Lin Tong Mei, Sheung Shui
(RNTPC Paper No. A/NE-KTS/231)
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Presentation and Question Sessions

20. Noting that Applications No. A/NE-KTS/229 to 231 were similar in nature and the application sites were located in close proximity to each other, the Committee agreed to consider the three applications together.

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

- (a) background to the applications;
- (b) proposed House (NTEH – Small House) at each of the application sites;
- (c) departmental comments – no objection from concerned Government

departments was received;

- (d) no public comment was received during the statutory publication period and no local objection was received from the District Officer; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the applications for reasons given in paragraph 11.1 of the Paper.

22. Members had no question on the applications.

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

Deliberation Session

23. The Chairman said that the proposed Small House developments in the three applications all complied with the interim criteria for assessing planning application for NTEH/Small House development.

24. After deliberation, the Committee decided to approve Applications No. A/NE-KTS/229 to 231, on the terms of the applications as submitted to the Town Planning Board. The permission should be valid until 21.7.2010, 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 implementation of drainage facilities to the satisfaction of the Director of Drainage Services or of the Town Planning Board;
- (b) the design and provision of fire-fighting access, water supplies and fire service installations to the satisfaction of the Director of Fire Services or of the Town Planning Board; and
- (c) the submission and implementation of landscaping proposals to the satisfaction of the Director of Planning or of the Town Planning Board.

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

- (a) assess the need to extend his inside services to the nearest Government water mains for connection, and to resolve any land matter (such as private lots) associated with the provision of water supply and should be responsible for the construction, operation and maintenance of the inside services within private lots to Water Supplies Department's standards;
- (b) note that water mains in the vicinity of the application site could not provide the standard fire-fighting flow; and
- (c) note that the application site was located within the flood pumping catchment area associated with River Indus and River Ganges pumping stations.

[Open Meeting (Presentation and Question Sessions Only)]

- (vii) A/NE-LK/47 Proposed Public Utility Pipeline (Electricity Cable Duct Crossing) in "Conservation Area" zone, Luk Keng Road near Bridge No. N283, near Luk Keng Wong Uk
(RNTPC Paper No. A/NE-LK/47)
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26. Dr. James C. W. Lau declared an interest in this item for having current business dealings with the applicant, CLP Power Hong Kong Limited.

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

Presentation and Question Sessions

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

- (a) background to the application;

- (b) proposed public utility pipeline (electricity cable duct crossing);
- (c) departmental comments – no objection from concerned Government departments was received;
- (d) no public comment was received during the statutory publication period and no local objection was received from the District Officer; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application for reasons given in paragraph 10.1 of the Paper.

28. Members had no question on the application.

Deliberation Session

29. The Chairman noted that the proposed electricity cable duct was to be constructed underneath an existing bridge and would unlikely cause any significant environmental impact.

30. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board. The permission should be valid until 21.7.2010, 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 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 Director of Drainage Services or of the Town Planning Board; and
- (b) the submission and implementation of tree preservation proposal to the satisfaction of the Director of Planning or of the Town Planning Board.

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

- (a) note Director of Agriculture, Fisheries and Conservation's comment that the applicant should 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) note Chief Highway Engineer/New Territories East, Highways Department's comments that :
 - (i) the cable structure should have a clearance of 1.5m from the carriageway bridge N283;
 - (ii) the proposed cable duct bridge works should not disturb the existing carriageway bridge. If the carriageway bridge N283 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 to 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 bi-weekly, during construction and monthly after construction;
 - (vi) Excavation Permit should be obtained from 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 public road namely Luk Keng Road, submission to the Advisory Committee on Appearance of Bridges and Associated Structures was required according to the Environment, Transport and Works Bureau Technical Circular (Works) No. 36/2004.

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

[Open Meeting (Presentation and Question Sessions Only)]

- (viii) A/NE-KLH/348 Temporary Open Storage of Construction Materials
for a Period of 3 Years in “Green Belt” zone,
Lot 556RP(Part) in DD 9,
Nam Wa Po, Kau Lung Hang, Tai Po
(RNTPC Paper No. A/NE-KLH/348)
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Presentation and Question Sessions

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

- (a) background to the application;
- (b) temporary open storage of construction materials for a period of 3 years;
- (c) departmental comments – no objection from concerned Government departments was received;
- (d) no public comment was received during the statutory publication period and no local objection was received from the District Officer; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application for reasons given in paragraph 12.2 of the Paper. The application generally complied with the two Town Planning Board (TPB) Guidelines for “Application for Open Storage and Port Back-up Uses”

(TPB PG-No. 13D) and “Renewal of Planning Approval and Extension of Time for Compliance with Planning Conditions for Temporary Use or Development” (TPB PG-No.34A) in that the application site had been granted with previous planning approvals since 1998 and the applicant had demonstrated genuine efforts in compliance with approval conditions of the previous planning applications. In the current application, the applicant had submitted a planning statement to demonstrate that the continual operation of the open storage use would not generate adverse drainage, traffic, visual, landscaping nor environmental impacts on the surrounding areas. Sympathetic consideration might hence be given. The application was for a period of 3 years, which was longer than the last planning approval (i.e. Application No. A/NE-KLH/340) for 12 months. Considering the new classification of the site as Category 3 areas under the TPB PG-No. 13D, a temporary approval for a period of 3 years was recommended.

33. In response to a Member’s question on the rationale behind for granting 12 months only in the last planning approval, Mr. W.K. Hui, DPO/STN said that such application was approved with conditions by the Committee on 29.7.2005 for a period of 1 year on the basis that the application site was classified as Category 4 areas under the then TPB PG-No. 13C. However, on 2.11.2005, the TPB promulgated the revised TPB PG-No. 13D. Under the revised Guidelines, the application site had been re-categorized from Category 4 to Category 3 areas and a temporary approval up to 3 years might be granted.

Deliberation Session

34. The Chairman remarked that taking into account the revision of TPB Guidelines, and the applicant’s fulfilment of approval conditions in respect of the previous planning application, a temporary approval for a period of 3 years could be considered. Members agreed.

35. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years up to 21.7.2009, on the terms of the application as submitted to the Town Planning Board and subject to the following conditions :

- (a) no excavation works should be carried out unless prior written approval from the Director of Water Supplies was obtained, and no sinking of wells, blasting, drilling or piling works were allowed at any time during the planning approval period;
- (b) the screen planting along the boundary of the application should be maintained at all times during the planning approval period;
- (c) routine clearance and maintenance works should be carried out to avoid blockage of the drainage facilities at all times during the planning approval period;
- (d) the operating hours of the application site should be restricted to 7:00 a.m. to 11:00 p.m. as proposed by the applicant during the planning approval period;
- (e) the submission of proposals of preventive measures against water pollution within the upper indirect water gathering grounds within 6 months from the date of planning approval to the satisfaction of the Director of Water Supplies or of the Town Planning Board by 21.1.2007;
- (f) in relation to (e) above, the implementation of proposals of preventive measures against water pollution within the upper indirect water gathering grounds within 9 months from the date of planning approval to the satisfaction of the Director of Water Supplies or of the Town Planning Board by 21.4.2007;
- (g) 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;
- (h) if any of the above planning conditions (e) or (f) was not complied with by the specified date, the approval hereby given should cease to have effect and should be revoked immediately without further notice; and

- (i) upon the expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the Town Planning Board.

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

- (a) resolve any land issues relating to the development with the concerned owner of the application site;
- (b) note that for provision of water supply to the development, the applicant might need to extend his inside services to the nearest Government water mains for connection at his own cost and to sort out land matters associated with the proposed work and the subsequent maintenance of water main in private lots;
- (c) note that in the event of any ground subsidence caused by the development, the applicant should indemnify the Government against all actions, claims and demand arising out of any damage or nuisance to private property caused by such subsidence;
- (d) note the comments of the Chief Engineer/Development(2), Water Supplies Department at Appendix VII of the Paper;
- (e) observe the “Code of Practice on Working near Electricity Supply Lines” when carrying out works in the vicinity of electricity supply lines. Prior to establishing any structure within the application site, the applicant should liaise with CLP Power Hong Kong Limited to divert the existing low voltage overhead lines away from the vicinity of the proposed development; and
- (f) adopt the environmental measures recommended in the ‘Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites’ to minimize environmental nuisance.

[Open Meeting (Presentation and Question Sessions Only)]

- (ix) A/NE-LT/360 Proposed House (New Territories Exempted House
(NTEH) – Small House)

in “Agriculture” zone, Lot 626A in DD 8,
Ma Po Mei Village, Lam Tsuen, Tai Po

(RNTPC Paper No. A/NE-LT/360)
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Presentation and Question Sessions

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

- (a) background to the application;
- (b) proposed House (NTEH – Small House);
- (c) departmental comments – the Environmental Protection Department and Water Supplies Department (WSD) raised objection to the application as the application site fell within the Water Gathering Ground (WGG) and would not be served by the planned sewerage system in the area. Agriculture, Fisheries and Conservation Department did not favour the application from agricultural development point of view as there were agricultural activities in the vicinity of the site and the site should be retained for agricultural uses;
- (d) no public comment was received during the statutory publication period, but two local objections were received from the District Officer; and
- (e) the Planning Department (PlanD)’s views – PlanD did not support the application for reasons given in paragraph 11.1 of the Paper in that the application was not in line with the planning intention of the “Agriculture” zone. Besides, the proposed development did not comply with the interim

criteria for assessing planning application for NTEH/Small House development (Interim Criteria) in that the proposed development fell within WSD's upper indirect WGG and was not able to be connected to existing or planned sewerage system in the area.

38. Members had no question on the application.

Deliberation Session

39. The Chairman said that the application did not comply with the Interim Criteria.

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

- (a) the application was not in line with the planning intention of the "Agriculture" zone, which was primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. It was also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. No strong justifications had been provided in the submission for a departure from the planning intention; and
- (b) the proposed development did not comply with the interim criteria for assessing planning application for NTEH/Small House development in that the proposed NTEH/Small House development fell within the Water Supplies Department's upper indirect Water Gathering Ground (WGG) and was not able to be connected to existing or planned sewerage system in the area. There was insufficient information in the submission to demonstrate that the proposed development located within the WGGs would not cause adverse impact on the water quality in the area.

[Open Meeting (Presentation and Question Sessions Only)]

- (x) A/NE-SSH/54 Proposed House (New Territories Exempted House (NTEH) – Small House) in “Village Type Development” and “Government, Institution or Community” zones, Lot 209RP in DD 209, Sai Keng Village, Shap Sz Heung, Sai Kung North
(RNTPC Paper No. A/NE-SSH/54)
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Presentation and Question Sessions

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

- (a) background to the application;
- (b) proposed House (NTEH – Small House);
- (c) departmental comments – no objection from concerned Government departments was received;
- (d) no public comment was received during the statutory publication period and no local objection was received from the District Officer; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application for reasons given in paragraph 12.1 of the Paper.

42. Noting that part of the application site fell within the “Government, Institution or Community” (“G/IC”) zone, the Chairman enquired if there was any proposed use of the “G/IC” zone. In reply, Mr. W.K. Hui, DPO/STN said that the “G/IC” zone was reserved for tourism activities and education centres. The Chairman noted that as there was no definite use for the “G/IC” zone for the time being, it would not be affected by the proposed Small House development.

Deliberation Session

43. Referring to Plan A-3 of the Paper, a Member noted that the application site fell within an existing car park and asked if the proposed development would lead to a reduction in the size of the car park. In reply, the Chairman said that the situation was not uncommon in village areas. The car park, falling within private lots, would normally be relocated to make way for Small House development.

44. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board and subject to the condition that the submission and provision of drainage facilities to the satisfaction of the Director of Drainage Services or of the Town Planning Board. The permission should be valid until 21.7.2010, 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.

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

- (a) note that the application site was in close proximity to the “Coastal Protection Area” zone and the applicant should take all necessary measures to avoid impacts to the area;
- (b) note that there were low voltage and high voltage underground cables in the vicinity of the site. The applicant and his contractors should observe the “Code of Practice on Working near Electricity Supply Lines” when carrying out works in the vicinity of the underground electricity cables;
- (c) note that the applicant might need to extend the inside services to the nearest Government water mains for connection. The applicant should resolve any land matter (such as private lots) associated with the provision of water supply and should be responsible for the construction, operation and maintenance of the inside services within the private lots to Water Supplies Department’s standards; and

- (d) note that water mains in the vicinity of the site could not provide the standard fire-fighting flow.

[Open Meeting (Presentation and Question Sessions Only)]

- (xi) A/NE-TK/209 Proposed House (New Territories Exempted House (NTEH) – Small House)
in “Village Type Development” and “Recreation” zones,
Lot 1304 in DD 17,
Lo Tsz Tin, Ting Kok, Tai Po
(RNTPC Paper No. A/NE-TK/209)
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Presentation and Question Sessions

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

- (a) background to the application;
- (b) proposed House (NTEH – Small House);
- (c) departmental comments – no objection from concerned Government departments was received;
- (d) no public comment was received during the statutory publication period and no local objection was received from the District Officer; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application for reasons given in paragraph 11.1 of the Paper.

47. A Member said that item 3 in paragraph 9.1 of the Paper should be amended as ‘No’ instead of ‘Yes’ given that there was a shortage of land in “Village Type Development” (“V”) zone to meet outstanding Small House demand.

Deliberation Session

48. 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 21.7.2010, 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 Town Planning Board; and
- (b) the submission and implementation of drainage facilities to the satisfaction of the Director of Drainage Services or of the Town Planning Board.

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

- (a) note that the applicant might need to extend his inside services to the nearest Government water mains for connection, and to resolve the land matters associated with the provision of water supply and should be responsible for the construction, operation and maintenance of the inside services within the private lots to Water Supplies Department's standards;
- (b) observe the "Code of Practice on Working near Electricity Supply Lines" established under the Electricity Supply Lines (Protection) Regulation when carrying out works in the vicinity of electricity supply lines. Prior to establishing any structure in the vicinity of the overhead lines, the applicant should consult CLP Power Hong Kong Limited, if necessary, to divert the overhead lines away from the vicinity of the proposed house;
- (c) note the Head of Geotechnical Engineering Office, Civil Engineering and Development Department's comments to make submission to the Buildings Department under the provision of the Buildings Ordinance should the application be approved; and

- (d) consult the Environmental Protection Department regarding the sewage treatment/disposal method for the proposed development.

[Open Meeting (Presentation and Question Sessions Only)]

- (xii) A/NE-TK/207 Proposed Temporary Barbecue Site for a Period of 3 Years in “Agriculture” zone, Various Lots in DD 17, Ting Kok Village, Ting Kok, Tai Po
(RNTPC Paper No. A/NE-TK/207)
-

Presentation and Question Sessions

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

- (a) background to the application;
- (b) proposed temporary barbecue site for a period of 3 years;
- (c) departmental comments – highlighting that the Agriculture, Fisheries and Conservation Department (AFCD) raised concerns on the potential impacts on the “Coastal Protection Area” (“CPA”) zone and the Ting Kok Site of Special Scientific Interest (SSSI). The AFCD advised that in view of the large scale of the proposed barbecue site, an approval condition should be imposed to ensure that the environment would not be adversely affected should the application be approved. No objection from other concerned Government departments was received;
- (d) one public comment was received during the statutory publication period and one local objection was received from the District Officer, both of them raised concerns on adverse environmental impacts; and
- (e) the Planning Department (PlanD)’s views – PlanD considered that the proposed development could be tolerated for a period of 3 years for reasons

given in paragraph 11.1 of the Paper. The proposed barbecue site was not incompatible with the use in the surrounding areas and would unlikely cause adverse traffic, environmental, drainage and sewage impacts on the areas. AFCD's concern could be addressed by imposing an approval condition to require the applicant to provide protective measures.

51. The Chairman asked what protective measures were suggested by the AFCD to minimize the environmental impacts as the application site was close to the "CPA" zone and SSSI. In reply, Mr. W.K. Hui, DPO/STN, said that no specific suggestion was made by the AFCD and approval condition (i) had been imposed to require the applicant to provide protective measures to the satisfaction of AFCD.

52. A Member noted that the application site only formed part of the hobby farm and enquired the use of the remaining part of the farm. Another Member asked whether enforcement action was taken against the whole hobby farm. In reply, Mr. W.K. Hui explained that the hobby farm was run by several operators and some uses were suspected unauthorized development subject to enforcement action. The applicant was the operator of the application site, part of which was involved in the enforcement case. No application from other operators in respect of the remaining part of the hobby farm had been received yet.

Deliberation Session

53. The views of Members were summarized as follows:

- (a) the approval of the subject application would set an undesirable precedent for other similar applications in the "Agriculture" zone. In view of its proximity to the "CPA" and "SSSI" zones, the cumulative environmental impact of the subject and other similar applications on the surrounding areas should be properly assessed. Further advice from AFCD should be sought;
- (b) while a previous application with a site area of about 385m² was approved in part of the application site, the subject application was larger in scale,

with a site area of over 2450m². The proposed barbecue use would be scattered in three disjointed lots. There was no information on its operation and how it would be integrated with other uses and activities of the hobby farm;

- (c) some Members considered that the application should include information on the use of the hobby farm as a whole, and preferably, there should be a single application covering the whole hobby farm such that Members could properly assess the impact of various uses and activities in the hobby farm on the surrounding environment; while some Members were of the view that provided that the applicant could address the environmental impact of the proposed use, the applicant should be allowed the flexibility to develop part of the site instead of submitting a single application for the whole site; and
- (d) it was envisaged that the proposed use would attract lots of visitors. There was no information in the submission on the related vehicular access, car parking arrangement and waste management.

54. The Chairperson concluded that while the proposed barbecue use might be tolerable, there was insufficient information in the submission on the environmental impact, provision of car parking, waste management and operational details of the proposed use. More information would also be required on the uses and activities of the remaining part of the hobby farm. The AFCD's advice should also be sought on the cumulative impact on the nearby "CPA" and "SSSI" zones if the whole hobby farm was used as barbecue or other related uses. Members agreed.

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

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

- (a) there was insufficient information in the submission to demonstrate that the development would not cause adverse impact on the mangrove habitat in the Ting Kok Site of Special Scientific Interest to the south of the

application site; and

- (b) the approval of the application would set an undesirable precedent for other similar applications within the “Agriculture” zone. The cumulative effect of approving such similar applications would result in a general degradation of the environment of the area.

[Open Meeting (Presentation and Question Sessions Only)]

- (xiii) A/NE-TKL/287 Proposed Temporary Asphalt Batching Plant
for a Period of 3 Years in “Open Storage” zone,
Lots 437, 439RP(Part) and 477RP in DD 77,
Ng Chow Road, Ping Che
(RNTPC Paper No. A/NE-TKL/287)
-

Presentation and Question Sessions

56. Mr. Philip Y.L. Chum, STP/STN, drew Members’ attention that the built-over area stated in paragraph 1.2 of the Paper should be amended as 378.64m². He then presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) proposed temporary asphalt batching plant for a period of 3 years;
- (c) departmental comments – highlighting that the Environmental Protection Department (EPD) did not support the application as there were sensitive uses in the vicinity of the site and environmental nuisance was expected. No objection from other concerned Government departments was received;
- (d) one public comment with five pages of signatures was received during the statutory publication period objecting to the application mainly on environmental, visual and traffic grounds; and

- (e) the Planning Department (PlanD)'s views – PlanD considered that the proposed development could be tolerated for a period of 3 years for reasons given in paragraph 11.1 of the Paper.

57. In response to a Member's enquiry about the EPD's concerns, Mr. H.M. Wong said that this kind of use without any standardization would likely generate environmental nuisance especially noise to the nearby domestic structures. Nevertheless, as proposed by the applicant, there would be no night time operation on site. Besides, under the Air Pollution Control Ordinance, application for a licence for the applied use was required. According to the EPD's record, two licences were issued and extended once by the EPD for the period from 2002 to 2004, which would expire in September this year. Mr. Wong advised that if appropriate mitigation measures were adopted by the applicant, the environmental impact particularly the noise impact could be minimized and would not be insurmountable.

58. Referring to Plan A-4 of the Paper, the Chairman noted that the site was currently used for open storage of construction equipment and machinery and enquired why the asphalt batching plant, which was previously approved for a temporary period of 3 years, was not in place. In reply, Mr. W.K. Hui, DPO/STN, said that the site was not yet used as an asphalt batching plant since the applicant had not yet obtained a short term waiver (STW) from the Lands Department (LandsD).

59. In response to a Member's concern on the likelihood of pollution of underground water, Mr. H.M. Wong said that if the site was covered with hard paving materials like concrete, the pollution problem to underground water could be minimized.

Deliberation Session

60. A Member raised concern that a temporary approval for 3 years as recommended by PlanD was too long in view of the strong local objections from nearby villagers. The Chairman said that the same approval period was granted in the last approval in consideration that as the application site fell within the "Open Storage" zone and was surrounded by open storage yards, the impact of the applied use to the surrounding areas would not be significant. Besides, there was a genuine demand for asphalt in our economy. A shorter approval period

might render the applied use commercially not viable.

61. Mr. Francis Ng said that since the last approval by the Committee, the LandsD had received an application for STW for the applied use. When the notice of such application was posted on site, strong local objections were received from the nearby villagers mainly on the grounds of adverse environmental impacts (especially water and air pollution) and health hazard problem. In view of that, no approval had been given for the STW application yet.

62. The Chairman said the villagers' concerns were not without grounds. Similar objection was received when the application was published for public comment. It would not be appropriate to approve the application in view of the strong local objections. The applicant should provide more information to demonstrate that the applied use would not have adverse environmental impacts on the surrounding sensitive receivers.

63. In response to a Member's enquiry on what action could be taken against the current use on site, the Chairman said that the Planning Authority would look into the case and take enforcement action where appropriate.

64. After deliberation, the Committee decided to reject the application for reason that there was insufficient information in the submission to demonstrate that the uses under application would not have adverse environmental impacts on the surrounding sensitive receivers.

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

[Open Meeting (Presentation and Question Sessions Only)]

(xiv)	A/TP/375	Proposed House New Territories Exempted House (NTEH) in "Green Belt" zone, Lot 523 in DD 21, Pun Shan Chau Village, Tai Po (RNTPC Paper No. A/TP/375)
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Presentation and Question Sessions

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

- (a) background to the application;
- (b) proposed House (NTEH);
- (c) departmental comments – no objection from concerned Government departments was received;
- (d) no public comment was received during the statutory publication period and no local objection was received from the District Officer; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application for reasons given in paragraph 11.1 of the Paper in that the application involved rebuilding of a dilapidated house in respect of Lot 523 which had building entitlement. The proposed house was generally compatible with the surrounding rural and village environment.

66. Members had no question on the application.

Deliberation Session

67. 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 21.7.2010, 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 Town Planning Board;

- (b) the submission and implementation of drainage facilities to the satisfaction of the Director of Drainage Services or of the Town Planning Board; and
- (c) the submission of a Geotechnical Planning Review Report and implementation of mitigation measures identified therein to the satisfaction of the Head of Geotechnical Engineering Office, Civil Engineering and Development Department or of the Town Planning Board.

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

- (a) apply to the Lands Department for an in-situ exchange;
- (b) note that the applicant and their contractor should observe the “Code of Practice on Working near Electricity Supply Lines” when carrying out works in the vicinity of electricity supply lines. Prior to establishing any structure within the application site, the applicants and their contractors should liaise with CLP Power Hong Kong Limited to divert the existing high voltage underground cables and overhead lines away from the vicinity of the proposed development or have them replaced by underground cables;
- (c) consult the Environmental Protection Department regarding the sewage treatment/disposal method for the proposed development;
- (d) take appropriate measures to avoid affecting a large tree to the south of the application site;
- (e) make reference to the Geotechnical Engineering Office publication no. 1/2000 – Technical Guideline on Landscape Treatment and Bio-engineering for Man-made Slopes and Retaining Walls when preparing the Building Plan submission and the landscape submission under the Town Planning Ordinance; and
- (f) complete slope remedial works to the satisfaction of the District Lands Officer/Tai Po, and discharge the Closure Order pertinent to the application

site.

[The Chairman thanked Mr. W.K. Hui, DPO/STN, and Mr. Philip Y.L. Chum, STP/STN, for their attendance to answer Members' enquiries. Messrs. Hui and Chum left the meeting at this point.]

[Mr. Tony C.N. Kan left the meeting temporarily and Ms. Carmen K.M. Chan returned to join the meeting at this point.]

Tuen Mun and Yuen Long District

[Mr. Wilson Y.L. So, District Planning Officer/Tuen Mun and Yuen Long (DPO/TMYL), and Mr. Frederick S.T. Ng, Senior Town Planner/Tuen Mun and Yuen Long (STP/TMYL), were invited to the meeting at this point.]

Agenda Item 4

Section 12A Applications

[Open Meeting (Presentation and Question Sessions Only)]

Y/TM-LTY Y/1 Application for Amendment to the
Approved Lam Tei and Yick Yuen Outline Zoning Plan No. S/TM-LTY Y/6
from "Residential (Group C)" and "Government, Institution or Community"
to "Comprehensive Development Area",
Lots 809RP, 810, 811, 1135A, 1141RP, 1142A, 1143RP,
1147RP in DD 130 and Adjoining Government Land, Lam Tei, Tuen Mun
(RNTPC Paper No. Y/TM-LTY Y/1)

Presentation and Question Sessions

69. The Committee noted that the applicant had requested on 28.6.2006 for deferment of the consideration of the application to allow time to prepare and submit the responses to comments of the Education and Manpower Bureau and other Government

departments.

Deliberation Session

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

Agenda Item 5

Section 16 Applications

[Open Meeting (Presentation and Question Sessions Only)]

- (i) A/TM-LTY Y/140 Proposed Temporary Public Vehicle Park
for a Period of 3 Years
in “Village Type Development” and “Green Belt” zones,
Lots 3835(Part), 3837(Part), 3842RP, 3865RP, 3870(Part),
3871 in DD 124 and Adjoining Government Land,
Shun Tat Street, Tuen Mun
(RNTPC Paper No. A/TM-LTY Y/140)
-

Presentation and Question Sessions

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

- (a) background to the application;
- (b) proposed temporary public vehicle park for a period of 3 years;

- (c) departmental comments – no adverse comments from concerned Government departments were received;

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

- (d) one public comment was received during the statutory publication period objecting to the application on the grounds of adverse traffic, environmental and road safety impacts; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the part of the proposed development falling within the “Village Type Development” (“V”) zone for reasons given in paragraph 12.1 of the Paper. However, PlanD did not support the part of the proposed development falling within the “Green Belt” (“GB”) zone for reasons given in paragraph 12.2 of the Paper. The local concerns could be addressed by imposing appropriate approval conditions, requiring the applicant to minimise possible environmental impacts.

72. Noting that the site was the subject of a previous application, where planning approval was granted for the part within the “V” zone, with the part within the “GB” zone rejected, the Chairman asked whether there was any difference between the previous and the current applications. Mr. Wilson Y.L. So, DPO/TMYL, referred Members to Plan A-1 of the Paper and said that as compared with the previous application, the current application covered a smaller part of the “GB” zone.

73. In response to a Member's question on whether the applied use of the last approval was for parking of private cars only, Mr. Wilson Y.L. So said that the applied use for both the previous and current applications was the same, i.e. for public vehicle park but excluding heavy vehicles.

74. In response to the same Member's question on why some heavy vehicles including oil trucks were parked on site as shown on Plan A-4b of the Paper, the Chairman said that the parking of vehicles including heavy vehicles was indeed an unauthorized development.

75. Referring to Plan A-4b of the Paper, a Member asked whether the 2-storeyed containers were included in the application. Mr. Wilson Y.L. So referred Members to Drawing A-1 of the Paper and clarified that according to the applicant, these containers were not included in the application and would be removed.

Deliberation Session

76. The Chairman said that in the current application, the applicant had excluded most part of the “GB” zone and the application site only slightly encroached on the “GB” zone. Under such circumstances, sympathetic consideration could be given to approving the application as a whole. However, the applicant should be advised that the site should only be used for parking of private cars. The oil trucks and containers found on site should be removed, otherwise enforcement action should be taken against the unauthorized development. The Committee agreed.

77. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years up to 21.7.2009, on the terms of the application as submitted to the Town Planning Board and subject to the following conditions :

- (a) no vehicles without valid licences issued under the Traffic Regulations were allowed to be parked/stored on the site at any time during the planning approval period;
- (b) no operation between 11:00 p.m. and 7:00 a.m. should be carried out at the site during the planning approval period;
- (c) no car dismantling or workshop activities should be undertaken within the site at any time during the planning approval period;
- (d) no vehicles of 5.5 tonnes or more, container vehicles, container trailers, were allowed to be parked/stored on the site at any time during the planning approval period;
- (e) the submission of drainage impact assessment within 3 months from the

date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 21.10.2006;

- (f) in relation to (e) above, the provision of stormwater drainage facilities as well as the flood mitigation measures proposed in the drainage impact assessment within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 21.1.2007;
- (g) the submission of landscape and tree preservation proposals within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the Town Planning Board by 21.10.2006;
- (h) in relation to (g) above, the implementation of the landscape and tree preservation proposals within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the Town Planning Board by 21.1.2007;
- (i) the submission of vehicular run-in proposal within 3 months from the date of planning approval to the satisfaction of the Director of Highways or of the Town Planning Board by 21.10.2006;
- (j) in relation to (i) above, the provision of vehicular run-in proposal within 6 months from the date of planning approval to the satisfaction of the Director of Highways or of the Town Planning Board by 21.1.2007;
- (k) if any of the above planning conditions (a), (b), (c) or (d) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (l) if any of the above conditions (e), (f), (g), (h), (i) or (j) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and

- (m) upon the expiry of the planning permission, the reinstatement of the site to an amenity area to the satisfaction of the Director of Planning or of the Town Planning Board.

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

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

- (a) note that shorter compliance period was stipulated so as to monitor the situation and fulfilment of approval conditions;
- (b) note the District Lands Officer/Tuen Mun, Lands Department's comments that application should be submitted to his office for a Short Term Tenancy to regularize the occupation of Government land;
- (c) note the Chief Building Surveyor/New Territories West, Buildings Department's comments that the granting of any 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 for approval under the Buildings Ordinance was required; and
- (d) follow the "Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites" issued by the Environmental Protection Department.

[Open Meeting (Presentation and Question Sessions Only)]

- (ii) A/TM-LTY Y/141 Temporary Open Storage of Mobile Toilets and Lorry Parking with Repairing Workshop for a Period of 3 Years in “Residential (Group B)2” zone, Lot 2207ARP(Part) in DD 124, Yick Yuen, Tuen Mun (RNTPC Paper No. A/TM-LTY Y/141)
-

Presentation and Question Sessions

80. Mr. Frederick S.T. Ng, STP/TMYL, drew Members’ attention to line 5 in paragraph 11.1 of the Paper that the wording “two Legislative Councillors” should be amended as “a Legislative Councillor”. He then presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) temporary open storage of mobile toilets and lorry parking with repairing workshop for a period of 3 years;
- (c) departmental comments – no adverse comments from concerned Government departments were received;
- (d) 13 public comments were received during the statutory publication period, including two letters with more than 80 signatures received from local residents and a Legislative Councillor. The commenters raised objection to the application on the grounds of adverse traffic, drainage, landscape and environmental impacts. One local objection was also received from the District Officer, which was the same as one of the public comments; and
- (e) the Planning Department (PlanD)’s views – PlanD did not support the application for reasons given in paragraph 12.2 of the Paper in that the applied use was not in line with the planning intention of “Residential (Group B)2” (“R(B)2”) zone and did not comply with the Town Planning Board Guidelines No. 13D for Application for Open Storage and Port

Back-up Uses. Besides, applied use was compatible with the surrounding residential areas and there was insufficient information in the submission to demonstrate that it would not generate adverse drainage, traffic, landscaping and environmental impacts on the surrounding areas. The approval of the application would set an undesirable precedent for similar uses to proliferate into the “R(B)2” zone.

81. Members had no question on the application.

Deliberation Session

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

- (a) the development was not in line with the planning intention of the “Residential (Group B)2” (“R(B)2”) zone which was primarily intended for sub-urban medium density residential developments in rural areas;
- (b) there was insufficient information to demonstrate that the development would not have adverse traffic, environmental, landscaping and drainage impacts on the surrounding areas;
- (c) the development did not comply with the Town Planning Board Guidelines No. 13D for ‘Application for Open Storage and Port Back-up Uses’ in that there was no exceptional circumstances to merit approval and the development was not compatible with the residential dwellings nearby; and
- (d) the approval of the application would set an undesirable precedent for similar uses to proliferate into the “R(B)2” zone. The cumulative effect of approving such similar applications would result in a general degradation of the environment of the area.

83. Noting that the Applications No. A/YL-HT/434 and A/YL-HT/446 were similar in nature and were located in close proximity to each other, a Member suggested to consider

Application No. A/YL-HT/446 first which was recommended for approval. The Committee agreed.

[Open Meeting (Presentation and Question Sessions Only)]

- (iii) A/YL-HT/446 Temporary Open Storage of Containers for a Period of 3 Years in “Recreation” zone, Lots 1279(Part), 1280(Part), 1281(Part), 1282(Part), 1285(Part), 1286, 1287, 1288, 1289, 1352(Part), 1353(Part), 1354(Part), 1355, 1356, 1358RP(Part) and 1359(Part) in DD 125 and Adjoining Government Land, Ha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-HT/446)
-

Presentation and Question Sessions

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

- (a) background to the application;
- (b) temporary open storage of containers for a period of 3 years;
- (c) departmental comments – highlighting that the Environmental Protection Department (EPD) did not support the application on the grounds that there were sensitive uses in the vicinity of the access road and environmental nuisance was expected. The Transport Department raised concerns that the approval of the application would set an undesirable precedent for other similar applications in the surrounding areas. No objection from other concerned Government departments was received;
- (d) one public comment was received during the statutory publication period objecting to the application on the grounds of traffic and environmental impacts; and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application for reasons given in paragraph 12.2 of the Paper in that the application was generally in line with the Town Planning Board Guidelines 13D for Application for Open Storage and Port Back-up Uses. The application site (in whole or in part) was the subject of five previously approved applications (No. A/YL-HT/112, 204, 253, 262 and 312) and a number of similar applications for open storage use on sites along San Wai Road had been approved. Although EPD did not support the application, there were no environmental complaints pertaining to the site over the past 3 years. Given that the applicant had proposed no night-time operation within the site, the applied use could be tolerated. EPD's concern could be addressed by imposing relevant approval conditions.

85. Members had no question on the application.

[Ms. Anna S.Y. Kwong and Mr. B.W. Chan left the meeting temporarily at this point.]

Deliberation Session

86. The Chairman recalled that Members conducted site visit to the open storage uses in San Wai Road. It was observed that San Wai Road was well-paved and the traffic was well-managed. Members were thus satisfied that favourable considerations should generally be given to the open storage applications abutting the two sides of San Wai Road. However, for application site located further away from San Wai Road, a more prudent approach should be adopted in view of the traffic problem encountered in the area.

87. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years up to 21.7.2009, on the terms of the application as submitted to the Town Planning Board and subject to the following conditions :

- (a) the stacking height of the materials stored within 5 metres of the periphery of the site should not exceed the height of the boundary fence at any time during the planning approval period;

- (b) no workshop activities as proposed by the application should be carried out on the site at any time during the planning approval period;
- (c) no night-time operation between 7:00 p.m. and 8:00 a.m. as proposed by the applicant was allowed on the site during the planning approval period;
- (d) no operation on Sundays or public holidays as proposed by the applicant was allowed on the site during the planning approval period;
- (e) the submission of landscape and tree preservation proposals within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the Town Planning Board by 21.10.2006;
- (f) in relation to (e) above, the implementation of landscape and tree preservation proposals within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the Town Planning Board by 21.1.2007;
- (g) the submission of drainage proposals within 3 months from the date of the planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 21.10.2006;
- (h) in relation to (g) above, the implementation of the drainage proposals within 6 months from the date of the planning approval to the satisfaction of the Director of Drainage Services of the Town Planning Board by 21.1.2007;
- (i) the provision of fencing of the site within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the Town Planning Board by 21.10.2006;
- (j) the provision of a 9-litre water type/3 kg dry powder fire extinguisher for the site office within 3 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board

by 21.10.2006;

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

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

- (a) resolve any land issues relating to the development with the concerned owner(s) of the application site;
- (b) note that shorter compliance periods were imposed so as to monitor the fulfillment of relevant approval conditions;
- (c) apply to District Lands Officer/Yuen Long (DLO/YL) for Short Term Tenancy (STT) for occupation of Government land and Short Term Wavier (STW) for erection of structure on the site. Should no STT or STW 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) note the comments of the Chief Engineer/Mainland North, Drainage Services Department to consult DLO/YL and to obtain relevant lot owners' consent regarding all the proposed drainage works outside the site boundary, to construct and maintain all proposed drainage facilities at his

own costs, and to properly maintain the drainage facilities and rectify those facilities if they were found inadequate/ineffective during operation. The applicant should be liable for and should indemnify claims and demands arising out of any damage or nuisance caused by a failure of the drainage facilities;

- (e) adopt relevant environmental mitigation measures recommended in the latest “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” to minimize possible environmental impacts;
- (f) note the comments of the Assistant Commissioner for Transport/New Territories, Transport Department to clarify the land status and management/maintenance responsibilities of the access road leading to the site and to consult the relevant lands/maintenance authorities;
- (g) note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department to increase the number of trees to achieve 3-4m spacing as proposed by the applicant in the Planning Statement (Appendix Ia of the Paper), to show the 2 existing trees at the northwestern corner of the site in the tree preservation proposal and to implement the approved landscape proposal within the application site boundary; and
- (h) note the comments of the Chief Building Surveyor/New Territories West, Buildings Department that all building works were subject to compliance with the Buildings Ordinance. Authorized Person must be appointed to coordinate all building works. The granting of planning approval should not be construed as an acceptance of the unauthorized structures on site under the Buildings Ordinance. Enforcement action might be taken to effect the removal of all unauthorized works in the future.

[Open Meeting (Presentation and Question Sessions Only)]

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

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

- (a) background to the application;
- (b) temporary open storage of containers with ancillary office for a period of 3 years;
- (c) departmental comments – highlighting that the Environmental Protection Department (EPD) did not support the application as there were sensitive uses in the vicinity of the site and abutting San Wai Road and environmental nuisance was expected. The Transport Department raised concerns that the approval of the application would set an undesirable precedent for other similar applications in the surrounding areas;
- (d) no public comment was received during the statutory publication period and no local objection was received from the District Officer; and
- (e) the Planning Department (PlanD)’s views – PlanD did not support the application for reasons given in paragraph 12.2 of the Paper in that the open storage of containers was not in line with the planning intention of the

“Recreation” (“REC”) zone which was intended primarily for recreational developments for the use of the general public. The site was subject to two previous planning applications (No. A/YL-HT/322 and 413) rejected by the Town Planning Board (TPB) upon review on 19.3.2004 and 18.11.2005 respectively. There was no change in the planning circumstances since rejection of the previous applications. Besides, the applied use did not meet the TPB Guidelines No. 13D in that there were adverse comments from concerned Government departments. There was insufficient information in the submission to demonstrate that the applied use would not have adverse traffic, drainage and environmental impacts on the surrounding areas.

90. In response to the Chairman’s enquiry on the difference between the two applications (No. A/YL-HT/446 and A/YL-HT/434), Mr. Wilson Y.L. So, DPO/TMYL, said that although both application sites fell within Category 2 area under the TPB Guidelines No. 13D, the application site of the former abutted San Wai Road while the latter was not. Mr. So then referred Members to Plan A-2 of the Paper and pointed out that for the subject application, the site was very close to some sensitive uses with a residential structure found to the immediate northeast of the site and a group of residential structures found near Shek Kong Wai. Having due regard to these considerations, two previous planning applications related to this application site were rejected by the Town Planning Board (TPB) upon review on 19.3.2004 and 18.11.2005 respectively. Given that there was no change in the planning circumstances since rejection of the previous applications, nor was there any strong justification provided in the current submission to justify a departure from the TPB’s decision on the previous applications, rejection of the subject application was recommended.

91. Mr. H.M. Wong said that the vehicular access of both sites was via San Wai Road and some complaints were received on the pollution, particularly dust, along San Wai Road generated by the open storage uses in the area as a whole. Nevertheless, there was some difference between the two applications in that the site for Application No. A/YL-HT/434 was closer to some sensitive uses in a nearby village.

Deliberation Session

92. A Member asked should the TPB decide to reject the application, whether the Town Planning Appeal Board (TPAB) would follow the rationale adopted by the TPB. The Chairman responded that if Members decided to reject the application after considering all relevant factors, it would be for the TPAB to consider the fact and degree of each case at appeal.

93. After further 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 “Recreation” zone, which was intended primarily for recreational developments for the use of the general public. No strong justification had been given in the submission for a departure from such planning intention, even on temporary basis; and
- (b) the development was not in line with the Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses in that there were adverse comments from Government departments and there was insufficient information in the submission to demonstrate that the development would not have adverse traffic, drainage and environmental impacts on the surrounding areas.

[Open Meeting (Presentation and Question Sessions Only)]

- (v) A/YL-KTS/381 Proposed New Territories Exempted House (NTEH) (Small House) in “Agriculture” zone, Lots 191B1 and 192H1 in DD 113, Cheung Po, Kam Tin, Yuen Long (RNTPC Paper No. A/YL-KTS/381)
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Presentation and Question Sessions

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

- (a) background to the application;
- (b) proposed NTEH (Small House);
- (c) departmental comments – no adverse comments from concerned Government departments were received;
- (d) three public comments were received during the statutory publication period objecting to the application on the grounds of fung shui and drainage impacts; and
- (e) the Planning Department (PlanD)'s views – PlanD did not support the application for reasons given in paragraph 12.1 of the Paper in that the current application did not meet the interim criteria for assessing planning application for NTEH/Small House development (Interim Criteria) as there was sufficient land in the “Village Type Development” (“V”) zone to meet the demand for village houses in Cheung Po Village. The proposed development was not in line with the planning intention of the “Agriculture” zone. No strong justification had been given in the submission for a departure from such planning intention.

95. Members had no question on the application.

Deliberation Session

96. In response to a Member's enquiry on other approved applications for Small House developments found in the vicinity of the application site, the Chairman referred Members to Plan A-2 of the Paper and pointed out that these Small Houses were previously approved prior to the adoption of the Interim Criteria.

97. 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 “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 development 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 village 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 Sessions Only)]

- (vi) A/YL-KTS/383 Renewal of Planning Approval for
Temporary Open Storage of Electricity Generators
and Compressors with Maintenance Work
under Application No. A/YL-KTS/297 for a Period of 3 Years
in “Undetermined” zone, Lots 391RP, 392RP, 398A(Part)
and 1356RP(Part) in DD 106,
Shek Wu Tong, Kam Tin, Yuen Long
(RNTPC Paper No. A/YL-KTS/383)
-

Presentation and Question Sessions

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

- (a) background to the application;
- (b) renewal of planning approval for temporary open storage of electricity generators and compressors with maintenance work under application No. A/YL-KTS/297 for a period of 3 years;
- (c) departmental comments – no objection from concerned Government departments was received;
- (d) no public comment was received during the statutory publication period and no local objection was received from the District Officer; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application for reasons given in paragraph 12.2 of the Paper.

99. Members had no question on the application.

Deliberation Session

100. The Chairman said that the application site was the subject of five previous approved applications and the approval conditions were complied with.

101. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years up to 21.7.2009, on the terms of the application as submitted to the Town Planning Board and subject to the following conditions :

- (a) no operation between 11:00 p.m. and 7:00 a.m. was allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays was allowed on the site during the planning approval period;
- (c) the drainage facilities implemented on the site (under Application No. A/YL-KTS/297) should be maintained at all times during the planning

approval period;

- (d) the submission of landscape and tree preservation proposals within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the Town Planning Board by 21.1.2007;
- (e) in relation to (d) above, the implementation of landscape and tree preservation proposals within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the Town Planning Board by 21.4.2007;
- (f) the submission of run-in proposal within 6 months from the date of planning approval to the satisfaction of the Director of Highways or of the Town Planning Board by 21.1.2007;
- (g) in relation to (f), the implementation of run-in proposal within 9 months from the date of planning approval to the satisfaction of the Director of Highways or of the Town Planning Board by 21.4.2007;
- (h) the provision of a 9-litre water type/3kg dry powder fire extinguisher in the site office within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 21.1.2007;
- (i) if any of the above planning conditions (a), (b) or (c) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (j) if any of the above planning conditions (d), (e), (f), (g) or (h) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and

- (k) upon expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the Town Planning Board.

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

- (a) resolve any land issues relating to the development with the concerned owner(s) of the application site;
- (b) note the District Lands Officer/Yuen Long, Lands Department's comment that the existing built-over area within the Short Term Waiver (STW) area was about 718.5m² which was different from the figure (412.1m²) submitted in the application. The discrepancy should be clarified. His office did not guarantee any right-of-way in respect of STW No. 2504;
- (c) note the Chief Highway Engineer/New Territories West, Highways Department's (HyD) comments that a run-in should be constructed at the access point in accordance with the latest version of HyD Standard Drawings No. H1113 and H1114 or H5115 and H5116 whichever set as appropriate to match the pavement type of adjacent footpath;
- (d) adopt environmental mitigation measures as set out in the "Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites" to minimize any possible environmental nuisances;
- (e) note the Chief Town Planner/Urban Design and Landscape, Planning Department's comments that approximately 25 nos. of the previously implemented landscaping trees were found missing. The applicant was advised to carry out replacement planting for the lost trees and a landscape proposal should be submitted with the location of the replacement planting plotted on the plan;
- (f) note the Chief Building Surveyor/New Territories West, Buildings Department's comment that all unauthorised building works/structures

should be removed. All building works were subject to compliance with Buildings Ordinance. Authorised Person must 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; and

- (g) note the Director of Fire Services' comments that the site was proposed to be used as repair workshop in which activities involving storage/use of Dangerous Goods were likely. As such, the applicant/operator of the site was advised to approach the Dangerous Goods Division for advice on licensing of the premises for the above purposes when necessary.

[Open Meeting (Presentation and Question Sessions Only)]

- (vii) A/YL-KTS/384 Temporary Public Car Park (Private Vehicles and Lorries)
for a Period of 3 Years in "Agriculture" zone,
Lots 111RP, 112(Part), 113, 115RP, 116(Part)
and 117RP in DD 113 and Adjoining Government Land,
Kam Tin South, Yuen Long
(RNTPC Paper No. A/YL-KTS/384)
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103. Dr. James C. W. Lau declared an interest in this item for having current business dealing with the applicant's consultant.

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

Presentation and Question Sessions

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

- (a) background to the application;

- (b) temporary public car park (private vehicles and lorries) for a period of 3 years;
- (c) departmental comments – highlighting that the Transport Department (TD) and Lands Department (LandsD) raised concerns on the proposed vehicular access. TD also advised that the proposed ingress/egress was too close to the existing roundabout and right turning vehicles from the access road to Kam Ho Road was not allowed. The Agriculture, Fisheries and Conservation Department (AFCD) did not favour the application from agricultural development point of view as there were active agricultural activities (i.e. pig farm, chicken farms and nursery) in the vicinity of the site;
- (d) no public comment was received during the statutory publication period and no local objection was received from the District Officer; and
- (e) the Planning Department (PlanD)'s views – PlanD did not support the application for reasons given in paragraph 11.1 of the Paper in that the development was not in line with the planning intention of the “Agriculture” (“AGR”) zone. There was no strong justification for a departure from the planning intention even on a temporary basis. Besides, the proposed access arrangement was roughly the same as that proposed under the previous application No.A/YL-KTS/284 which was rejected on 8.11.2002. There was no material change in planning circumstances to depart from the Committee's previous decision. There was insufficient information in the submission to demonstrate that the development would have no adverse traffic and drainage impacts on the surrounding areas.

105. The Chairman asked whether there was any change in planning circumstances since the previous applications were rejected by the Committee. Mr. Wilson Y.L. So, DPO/TMYL, said that there was no material change in planning circumstances. TD and LandsD maintained their views on the application. The proposed access arrangement as shown on Plan A-2 was too close to the existing roundabout and was not supported by TD.

Deliberation Session

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

- (a) the development was not in line with the planning intention of the “Agriculture” (“AGR”) zone which was to retain and safeguard good agricultural land for agricultural purposes. This zone was also intended to retain fallow arable land with good potential for rehabilitation. No strong justification had been given in the submission for a departure from the planning intention even on a temporary basis; and
- (b) there was insufficient information in the submission to demonstrate that the development would have no adverse traffic and drainage impacts on the surrounding areas.

[Open Meeting (Presentation and Question Sessions Only)]

- (viii) A/YL-KTS/385 Temporary Open Storage of Construction Materials and Machinery for a Period of 3 Years in “Agriculture” zone, Lots 1008RP(Part), 1012, 1013, 1014(Part), 1015A, 1015B, 1015RP(Part), 1016, 1017(Part), 1018(Part), 1022RP(Part), 1023, 1024, 1026RP(Part), 1028A(Part), 1028B(Part), 1029(Part), 1030(Part), 1031, 1032, 1033, 1034(Part), 1035(Part) and 1038(Part) in DD 113 and Adjoining Government Land, Kam Tin South, Yuen Long
(RNTPC Paper No. A/YL-KTS/385)
-

Presentation and Question Sessions

107. Dr. James C. W. Lau declared an interest in this item for having current business dealing with the applicant’s consultant. The Committee noted that Dr. Lau had already left

the meeting temporarily.

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

- (a) background to the application;
- (b) temporary open storage of construction materials and machinery for a period of 3 years;
- (c) departmental comments – highlighting that the Environmental Protection Department did not support the application as there were sensitive uses including farms and residential dwellings in the vicinity of the site and environmental nuisance was expected. The Agriculture, Fisheries and Conservation Department was not in favour of the application from agricultural development point of view as agricultural life in the vicinity of the application site was active and the site could be rehabilitated for agricultural purposes such as plant nursery;
- (d) no public comment was received during the statutory publication period and no local objection was received from the District Officer. After issuance of the Paper, the District Lands Officer/Yuen Long advised that a complaint was received against the illegal structures found within the application site which would adversely affect the air ventilation and the environment.; and
- (e) the Planning Department (PlanD)'s views – PlanD did not support the application for reasons given in paragraph 12.2 of the Paper in that the development was not in line with the planning intention of the “Agriculture” (“AGR”) zone. The development was also not compatible with the surrounding land uses which were predominantly rural in character. Besides, the application did not comply with the Town Planning Board Guidelines No. 13D in that there was no previous approval granted at the site and there were adverse comments from concerned Government

departments. There was insufficient information to demonstrate that the proposed development would not generate adverse drainage, traffic, landscaping and environmental impacts on the surrounding areas.

109. Members had no question on the application.

Deliberation Session

110. In response to a Member's enquiry on what action could be taken against the existing use on site if the application was rejected, the Chairman said that the current use was an unauthorized development and the Planning Authority would follow up the case and take enforcement action in due course.

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

- (a) the development was not in line with the planning intention of the "Agriculture" ("AGR") zone which was to retain and safeguard good agricultural land for agricultural purposes. This zone was also intended to retain fallow arable land with good potential for rehabilitation. No strong justification had been given in the submission for a departure from the planning intention, even on a temporary basis;
- (b) the development was not compatible with the surrounding land uses which were predominantly rural in character with cultivated and fallow agricultural land, farms and plant nursery. In view of the massive scale of the development, there would be adverse impact on existing rural character and landscape quality of the area;
- (c) the application did not comply with the Town Planning Board Guidelines No. 13D in that there was no previous approval granted at the site and there were adverse comments from Government departments;
- (d) there was insufficient information to demonstrate that the proposed

development would not generate adverse drainage, traffic, landscaping and environmental impacts on the surrounding areas; and

- (e) the approval of the application, even on a temporary basis, would set an undesirable precedent for similar applications within the “AGR” zone. The cumulative effect of approving such applications would result in a general degradation of the rural environment of the area.

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

[Open Meeting (Presentation and Question Sessions Only)]

- (ix) A/YL-LFS/144 Temporary Open Storage of Construction Materials (Timber, Steel, Scrap Metal and Tile) for a Period of 3 Years in “Residential (Group E)” and “Recreation” zones, Lots 2219RP(Part) and 2226(Part) in DD 129, Deep Bay Road, Lau Fau Shan, Yuen Long (RNTPC Paper No. A/YL-LFS/144)
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Presentation and Question Sessions

112. Mr. Frederick S.T. Ng, STP/TMYL, drew Members’ attention to the three replacement pages, namely page 2 of Appendix IV, Plan A-1a and Plan A-2 of the Paper, tabled at the meeting. He then 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 (timber, steel, scrap metal and tile) for a period of 3 years;
- (c) departmental comments – highlighting that the Environmental Protection Department did not support the application as there were sensitive uses in the vicinity of the site and environmental nuisance was expected. The Drainage Services Department considered the drainage proposal

incomplete;

- (d) four public comments were received during the statutory publication period objecting to the application mainly on the grounds of adverse traffic, environment (dust, noise and waste disposal), visual and drainage impacts; and
- (e) the Planning Department (PlanD)'s views – PlanD did not support the application for reasons given in paragraph 12.2 of the Paper in that there were residential dwellings nearby the application site. There was insufficient information in the submission to demonstrate that the development would not have adverse environmental and drainage impacts on the surrounding areas. Besides, the proposed development was not in line with the Town Planning Board Guidelines No. 13D in that there were adverse departmental comments from concerned Government departments. Although planning permission had been granted six times previously (No. A/YL-LFS/12, 19, 25, 43, 44 and 92) for similar open storage use from 1996 to 2002, approval conditions on landscape and drainage were not complied with in the first five applications, while the last application No. A/YL-LFS/92 was revoked on 24.11.2003 due to non-compliance with approval condition on the provision of drainage facilities. Hence, the current application did not merit any sympathetic consideration.

113. Members had no question on the application.

Deliberation Session

114. The Chairman said that there were local objections and the last approval was revoked due to non-compliance with the approval condition.

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

- (a) 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 were adverse departmental comments from concerned Government departments on environmental and drainage aspects; and

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

[Open Meeting (Presentation and Question Sessions Only)]

- (x) A/YL-LFS/145 Temporary Public Car Park for Private Cars, Light Goods Vehicles and Motor Coach for a Period of 3 Years in “Residential (Group C)” and “Village Type Development” zones, Lots 2858A1, 2858ARP, 2862B1 and 2862BRP(Part) in DD 129, Lau Fau Shan, Yuen Long
(RNTPC Paper No. A/YL-LFS/145)
-

Presentation and Question Sessions

116. The Committee noted that the applicant had requested on 13.7.2006 for deferment of the consideration of the application to allow time to revise the application to include parking of lorry and submit the revised documents to the Committee for consideration.

Deliberation Session

117. After deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending further submission from the applicant. The Committee also agreed that the application should be submitted to the Committee for consideration within two months from the date of receipt of further information from the applicant. The Committee also agreed to advise the applicant that two months were allowed

for preparation of submission of further information, and no further deferment would be granted unless under very special circumstances.

[Open Meeting (Presentation and Question Sessions Only)]

- (xi) A/YL-NTM/195 Proposed Temporary Public Vehicle Park
(Excluding Container Vehicle) for a Period of 3 Years
in “Green Belt” zone,
Lots 2235(Part), 2236(Part), 2238(Part), 2239(Part), 2240,
2241, 2242(Part), 2243(Part), 2245(Part), 2300, 2301,
2302(Part), 2324(Part), 2325(Part) and 2326(Part) in DD 102
and Adjoining Government Land, Ngau Tam Mei, Yuen Long
(RNTPC Paper No. A/YL-NTM/195)
-

Presentation and Question Sessions

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

- (a) background to the application;
- (b) temporary public vehicle park (excluding container vehicle) for a period of three years;
- (c) departmental comments – highlighting that the Environmental Protection Department did not support the application as there were sensitive uses in the vicinity of the site and access road, and environmental nuisance was expected. The Agriculture, Fisheries and Conservation Department was not in favour of the application from the agricultural point of view as there were some active agricultural and fish farming activities in the vicinity;
- (d) no public comment was received during the statutory publication period and no local objection was received from the District Officer; and

- (e) the Planning Department (PlanD)'s views – PlanD did not support the application for reasons given in paragraph 12.1 of the Paper in that the development was not in line with the planning intention of the “Green Belt” (“GB”) zone, and there was no strong justification in the submission for a departure from such planning intention, even on a temporary basis. There was insufficient information in the submission to demonstrate that the development would not have adverse environmental and drainage impacts on the surrounding areas. The approval of this application would set an undesirable precedent for similar applications.

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

119. In response to the Chairman's enquiry on whether there was any difference between the current and the three previous applications (No. A/YL-NTM/120, 131 and 190), Mr. Wilson Y.L. So, DPO/TMYL, said that the applied use for all the three previous applications was for container vehicle park and involving a larger site area, whereas the current application was for public vehicle park (excluding container vehicle), as clarified in the applicant's letter attached to Appendix 1b of the Paper.

Deliberation Session

120. The Chairman said that although the applied use was slightly different from the previous rejected applications, there were still adverse departmental comments on the current application.

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

- (a) the temporary public vehicle park (excluding container vehicles) was not in line with the planning intention of the “Green Belt” (“GB”) zone which was to define the limits of urban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets. There was a general presumption against development within this zone. There was no strong justification in the submission to merit for a departure from such planning intention, even on a temporary basis;

- (b) there was insufficient information in the submission to demonstrate that the development would not have adverse environmental and drainage impacts on the surrounding areas; and
- (c) the approval of the application would set an undesirable precedent for similar applications within the “GB” zone, the cumulative effects of which would result in a further degradation of the rural character of the area.

[Open Meeting (Presentation and Question Sessions Only)]

- (xii) A/YL-PH/525 Temporary Open Storage of Building Materials
for a Period of 3 Years in “Residential (Group D)” zone,
Lots 100RP, 101A&BRP and 101CRP in DD 111,
A Kung Tin, Pat Heung, Yuen Long
(RNTPC Paper No. A/YL-PH/525)
-

Presentation and Question Sessions

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

- (a) background to the application;
- (b) temporary open storage of building materials for a period of 3 years;
- (c) departmental comments – no objection from concerned Government departments was received;
- (d) no public comment was received during the statutory publication period and no local objection was received from the District Officer; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application for reasons given in paragraph 12.2 of the Paper.

123. Members had no question on the application.

Deliberation Session

124. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years up to 21.7.2009, on the terms of the application as submitted to the Town Planning Board and subject to the following conditions :

- (a) no night-time operation between 11 p.m. and 7 a.m. was allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays was allowed on the site during the planning approval period;
- (c) the existing landscape planting on the site should be maintained at all times during the planning approval period;
- (d) the drainage facilities implemented under Application No. A/YL-PH/436 on the site should be maintained at all times during the planning approval period;
- (e) the provision of 3kg dry powder/9-litre water type fire extinguisher in the office within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 21.1.2007;
- (f) if any of the above planning conditions (a), (b), (c) or (d) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (g) if the above planning condition (e) was not complied with by the specified date, the approval hereby given should cease to have effect and should on

the same date be revoked without further notice; and

- (h) upon expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the Town Planning Board.

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

- (a) note the District Lands Officer/Yuen Long, Lands Department's comments that the applicant should revise the existing occupational boundary so that Lots 9 and 101 S.E RP, and the Government land in D.D. 111 would be excluded. Otherwise, his office reserved the right to take lease enforcement and land control action against these irregularities;
- (b) note the Chief Highway Engineer/New Territories West, Highways Department's comment that his department was not responsible for the maintenance of any existing vehicular access connecting the site and Fan Kam Road;
- (c) follow the latest 'Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites' issued by Environmental Protection Department;
- (d) note the Chief Engineer/Development(2), Water Supplies Department's comments that no structure should be erected or no tree or shrubs should be planted within the waterworks reserve and such area should not be used for storage purposes. Besides, the Water Authority and his officers and contractors, his or their workmen should have free access at all times to the said area with necessary plant and vehicles for the purpose of laying, repairing and maintenance of water mains and all other services across, through or under it which the Water Authority might require or authorize; and
- (e) note the Chief Building Surveyor/New Territories West, Buildings

Department's comments that all building works were subject to compliance with the Buildings Ordinance. Authorised Person must 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 Sessions Only)]

- (xiii) A/YL-ST/313 Proposed Temporary Open Storage of
New Left-hand-drive Vehicles Prior to Sale
for a Period of 3 Years in "Undetermined" zone,
Lot 2(Part) in DD 96 and Lots 101(Part), 102(Part),
153(Part), 154, 155, 156(Part), 157(Part), 174, 178(Part),
183(Part) and 184(Part) in DD 99, San Tin, Yuen Long
(RNTPC Paper No. A/YL-ST/313)
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Presentation and Question Sessions

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

- (a) background to the application;
- (b) proposed temporary open storage of new left-hand-drive vehicles prior to sale for a period of 3 years;
- (c) departmental comments – no objection from concerned Government departments was received;
- (d) no public comment was received during the statutory publication period and no local objection was received from the District Officer; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the

application for reasons given in paragraph 12.2 of the Paper.

127. Members had no question on the application.

Deliberation Session

128. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years up to 21.7.2009, on the terms of the application as submitted to the Town Planning Board and subject to the following conditions :

- (a) no operation between 11:00 p.m. to 7:00 a.m. should be carried out on the site during the planning approval period;
- (b) no workshop or dismantling activities should be carried out on the site at any time during the planning approval period;
- (c) the drainage facilities on the application site should be maintained at all times during the approval period;
- (d) the landscape plantings on the application site should be maintained at all times during the approval period;
- (e) if any of the above planning conditions (a), (b), (c) or (d) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice; and
- (f) upon the expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the Town Planning Board.

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

- (a) resolve any land issues relating to the development with the concerned

owner(s) of the application site;

- (b) note the District Lands Officer/Yuen Long, Lands Department's comments to apply for Short Term Tenancy to regularize the illegal occupation of Government land;
- (c) follow the latest "Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites" issued by the Environmental Protection Department to minimize potential environmental impacts on the surrounding areas;
- (d) note the Chief Engineer/Mainland North, Drainage Services Department's (DSD) advice to provide for reference a set of record photographs showing the drainage implementation works with corresponding photograph locations marked clearly on the approved drainage plan. DSD would inspect the completed drainage works jointly with the applicant with reference to the set of photographs; and
- (e) note the Chief Town Planner/Urban Design and Landscape, Planning Department's advice that some planted trees were missing. The applicant was requested to reinstate all the missing trees and properly maintain the existing vegetations.

[Mr. Y.K. Cheng left the meeting temporarily at this point.]

[Open Meeting (Presentation and Question Sessions Only)]

- (xiv) A/YL-ST/314 Temporary Public Vehicle Park (excluding Container Vehicle) with Ancillary Site Office for a Period of 3 Years in "Undetermined" zone, Lots 250BRP(Part), 252RP(Part), 271, 272, 273, 274, 275, 276B1 and 279BRP(Part) in DD 99 and Adjoining Government Land, San Tin, Yuen Long (RNTPC Paper No. A/YL-ST/314)
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Presentation and Question Sessions

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

- (a) background to the application;
- (b) temporary public vehicle park (excluding container vehicle) with ancillary site office for a period of 3 years;
- (c) departmental comments – highlighting that the Commissioner of Police (C of P) had reservation on the application as unlawful occupation of Government and private land was involved in the past 2 years. The Lands Department (LandsD) also advised that illegal occupation of Government land was involved. No objection from other concerned Government departments was received;
- (d) no public comment was received during the statutory publication period and no local objection was received from the District Officer; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application for reasons given in paragraph 12.1 of the Paper. The unlawful occupation of Government and private land was related to land administrative matters and should be dealt with separately by the applicant with the relevant parties. Should the application be approved, the applicant would be advised to apply to LandsD for a Short Term Tenancy (STT).

131. Members had no question on the application.

Deliberation Session

132. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years up to 21.7.2009, on the terms of the application as

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

- (a) no vehicles without valid licences issued under the Road Traffic Ordinance were allowed to be parked/stored on the site at any time during the planning approval period;
- (b) only private cars, taxis, light vans and motor bikes were allowed to be parked on the site at all times during the planning approval period;
- (c) no car washing and vehicle repair workshop were allowed on the site at any time during the planning approval period;
- (d) the drainage facilities on the application site should be maintained at all times during the planning approval period;
- (e) the landscape planting on the application site should be maintained at all times during the planning approval period;
- (f) the provision of a 9-litre water type/3 kg dry powder fire extinguisher in the site office within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 21.1.2007;
- (g) if any of the above planning conditions (a), (b), (c), (d) or (e) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (h) if the above planning condition (f) was not complied with by the above specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and
- (i) upon the expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of

Planning or of the Town Planning Board.

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

- (a) resolve any land issues relating to the development with the concerned owner(s) of the application site;
- (b) note the District Lands Officer/Yuen Long, Lands Department's comments to apply for Short Term Tenancy to regularize the illegal occupation of Government land;
- (c) follow the latest "Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites" issued by the Environmental Protection Department to minimize potential environmental impacts on the surrounding areas;
- (d) note the Chief Highway Engineer/New Territories West, Highways Department's (HyD) advice that a run-in should be constructed at the access point in accordance with the latest version of HyD Standard Drawing Nos. H1113 and H1114 or H5115 and H5116 whichever set as appropriate to match the pavement type of adjacent footpath. His office was not responsible for the maintenance of existing/proposed vehicular access connecting the site and Lok Ma Chau Road;
- (e) note the Chief Engineer/Mainland North, Drainage Services Department's (DSD) advice to provide for reference a set of record photographs showing the drainage implementation works with corresponding photograph locations marked clearly on the approved drainage plan. DSD would inspect the completed drainage works jointly with the applicant with reference to the set of photographs. The applicant was fully responsible for the proper maintenance of the drainage facilities on site;
- (f) note the Chief Building Surveyor/New Territories West, Buildings Department's comments that the unauthorized structures on site should be

removed as they were liable to action under section 24 of the Buildings Ordinance (BO). The granting of planning approval should not be construed as condoning to any structures existing on site under the BO and the allied regulations. Actions appropriate under the BO or other enactment might be taken if contravention was found. Formal submission of any proposal new works, including any temporary structure, for approval under the BO was required; and

- (g) note the Chief Town Planner/Urban Design and Landscape, Planning Department's advice that some planted trees were missing along the eastern site boundary. The applicant was requested to reinstate all the missing trees and properly maintain the existing landscape plantings.

[Open Meeting (Presentation and Question Sessions Only)]

- (xv) A/YL-TYST/323 Temporary Curtain Wall Testing Centre
for a Period of 3 Years
in "Undetermined" zone, Lot 1232 in DD 119
and Adjoining Government Land, Yuen Long
(RNTPC Paper No. A/YL-TYST/323)
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Presentation and Question Sessions

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

- (a) background to the application;
- (b) temporary curtain wall testing centre for a period of 3 years;
- (c) departmental comments – highlighting that the Environmental Protection Department (EPD) did not support the application as there were sensitive uses in the vicinity of the site and environmental nuisance was expected. No objection from other concerned Government departments was received;

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

- (d) no public comment was received during the statutory publication period and no local objection was received from the District Officer; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application for reasons given in paragraph 11.1 of the Paper. The current application was the subject of a previous planning permission (No. A/YL-TYST/286) for the same use approved by the Town Planning Board on review on 7.10.2005 and the permission was revoked for the non-compliance with an approval condition in relation to the submission of tree preservation proposals. The applicant had indeed submitted a tree preservation proposal and a revised proposal on 21.3.2006 and 3.5.2006 respectively, though the latter was submitted after the deadline of 7.4.2006. Similar to the last approval, EPD's concern could be addressed by imposing appropriate approval conditions requiring the applicant to ameliorate possible environmental impact by restricting the operation hours of the applied use and advising the applicant to take due measures to forbidding the breaking of tested glass on site so as to further minimize the noise nuisance to the neighbourhood.

135. Members had no question on the application.

Deliberation Session

136. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years up to 21.7.2009, on the terms of the application as submitted to the Town Planning Board and subject to the following conditions :

- (a) no night-time operation between 6 p.m. to 9 a.m. was allowed on the site, as proposed by the applicant, during the planning approval period;
- (b) no operation on Sundays and public holidays was allowed on the site, as

proposed by the applicant, during the planning approval period;

- (c) the drainage facilities on the site should be maintained properly as under the previous application (No. A/YL-TYST/286) at all times during the planning approval period;
- (d) the provision of a 9-litre water type/3kg dry powder fire extinguisher in the container-converted office on the site should be maintained properly as under the previous application (No. A/YL-TYST/286) at all times during the planning approval period;
- (e) the submission of landscape and tree preservation proposals within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the Town Planning Board by 21.10.2006;
- (f) in relation to (e) above, the implementation of landscape and tree preservation proposals within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the Town Planning Board by 21.1.2007;
- (g) if any of the above conditions (a), (b), (c) or (d) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (h) if any of the above planning conditions (e) or (f) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and
- (i) upon the expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the Town Planning Board.

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

- (a) resolve any land issues relating to the development with the concerned owner(s) of the application site;
- (b) note that due measures should be taken to forbid the breaking of tested glass on the site so as to minimize the noise nuisance;
- (c) follow the latest 'Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites' issued by Environmental Protection Department;
- (d) 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. A large piece of the unleased Government land (G.L.) to the south was also being occupied without approval from his office. In this connection, his office reserved the right to take control action against the unlawful occupation of G.L. The applicant was advised to apply for Short Term Tenancy to regularize the unauthorized structure on G.L.;
- (e) 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;
- (f) note the Chief Highway Engineer/New Territories West, Highways Department's comments that his office did not maintain the access track between the site and Kung Um Road; and
- (g) note the Chief Building Surveyor/New Territories West, Buildings Department's comments that any unauthorized structures were liable to action under section 24 of the Buildings Ordinance (BO). The granting of

planning approval should not be construed as condoning to any structures existing on site under the BO and the allied regulations. Action appropriate under the BO or other enactment might be taken if contravention was found. Use of containers as office and storage was considered as temporary buildings and were subject to control under Building (Planning) Regulations (B(P)R) Part VII. Formal submission of any proposed new works, including any temporary structure for approval under the BO was required. If the site was not abutting on or was not accessible from a street having a width of not less than 4.5m, the development intensity should be determined by the Building Authority under B(P)R 19(3) at the building plan submission stage. Furthermore, B(P)R 41D was applicable regarding the provision of emergency vehicular access.

[Open Meeting (Presentation and Question Sessions Only)]

- (xvi) A/YL-TYST/324 Proposed Comprehensive Residential Development to include Minor Relaxation of Maximum Building Height Restriction in “Comprehensive Development Area” and “Green Belt” zones, Various Lots in DD 121 and DD 127, Tai Tao Tsuen, Hung Shui Kiu, Yuen Long
(RNTPC Paper No. A/YL-TYST/324)
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Presentation and Question Sessions

138. The Committee noted that the applicant had requested on 12.7.2006 for deferment of the consideration of the application to allow time to submit supplementary information to address the concerns on the technical issues and public comment.

Deliberation Session

139. After deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending further information from the applicant. The

Committee also agreed that the application should be submitted to the Committee for consideration within two months from the date of receipt of further information from the applicant. The Committee also agreed to advise the applicant that two months were allowed for preparation of the submission of the further information, and no further deferment would be granted unless under very special circumstances.

[Open Meeting (Presentation and Question Sessions Only)]

- (xvii) A/YL-TYST/325 Temporary Open Storage of Air Conditioners
and Ancillary Workshop for a Period of 3 Years
in “Village Type Development” zone,
Lots 2661 and 2662 in DD 120,
Shan Ha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-TYST/325)
-

Presentation and Question Sessions

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

- (a) background to the application;
- (b) temporary open storage of air conditioners and ancillary workshop for a period of 3 years;
- (c) departmental comments – highlighting that the Environmental Protection Department did not support the application as there were sensitive uses in the vicinity of the site and environmental nuisance was expected.;
- (d) two public comments were received during the statutory publication period objecting to the application on adverse environmental ground; and
- (e) the Planning Department (PlanD)’s views – PlanD did not support the application for reasons given in paragraph 12.2 of the Paper in that the

development was not in line with the planning intention of the “Village Type Development” (“V”) zone and no strong justification had been given in the submission for a departure from the planning intention, even on a temporary basis. Besides, the development did not comply with the Town Planning Board Guidelines No. 13D in that the application site fell within Category 4 areas and there were no exceptional circumstances to merit approval. The development was not compatible with the nearby village settlements and there were adverse departmental comments on the application. There was no information in the submission to demonstrate that the development would not generate adverse environmental, drainage and landscape impacts on the nearby village settlements. Approval of the application would set an undesirable precedent for other similar uses to proliferate into the “V” zone.

141. Members had no question on the application.

Deliberation Session

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

- (a) the development was not in line with the planning intention of the “Village Type Development” (“V”) zone which was to designate both existing recognized villages and areas of land considered suitable for village expansion. No strong justification had been given in the submission for a departure from the planning intention, even on a temporary basis;
- (b) the development did not comply with the Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses (TPB PG-No. 13D) in that there were no exceptional circumstances to merit approval, the development was not compatible with the nearby village settlements and there were adverse departmental comments on the application;

- (c) there was no information in the submission to demonstrate that the development would not generate adverse environmental, drainage and landscape impacts on the nearby village settlements; and
- (d) approval of the application would set an undesirable precedent for other similar uses to proliferate into the “V” zone. The cumulative effect of approving such similar applications would result in a general degradation of the environment of the area.

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

Remarks

143. The Chairman said that the remaining item in the Agenda would not be open for public viewing as the proposed amendments to the Outline Zoning Plan would be gazetted under the pre-amended Town Planning Ordinance.