

TOWN PLANNING BOARD

**Minutes of 332nd Meeting of the
Rural and New Town Planning Committee held at 2:30 p.m. on 18.8.2006**

Present

Director of Planning
Mrs. Ava S.Y. Ng

Chairperson

Mr. Michael K.C. Lai

Vice-chairman

Ms. Carmen K.M. Chan

Professor Nora F.Y. Tam

Mr. David W.M. Chan

Mr. Tony C.N. Kan

Mr. Edmund K.H. Leung

Mr. Alfred Donald Yap

Mr. B.W. Chan

Mr. Y.K. Cheng

Ms. Anna S.Y. Kwong

Dr. James C.W. Lau

Chief Engineer/Traffic Engineering (New Territories West),
Transport Department

Mr. Y.M. Lee

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

Secretary

Absent with Apologies

Dr. Lily Chiang

Professor David Dudgeon

Professor Peter R. Hills

Dr. C.N. Ng

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

Assistant Director (Environmental Assessment),
Environmental Protection Department
Ms. Shirley Lee

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

In Attendance

Assistant Director of Planning/Board
Mr. Lau Sing

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

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

Agenda Item 1

Confirmation of the Draft Minutes of the 331st RNTPC Meeting held on 4.8.2006

[Open Meeting]

1. The draft minutes of the 331st RNTPC meeting held on 4.8.2006 were confirmed without amendments.

Agenda Item 2

Matters Arising

[Open Meeting]

(a) Town Planning Appeal Received

- (i) Town Planning Appeal No. 15 of 2006 (15/06)

Temporary Storage of Durable and Consumer Goods for a Period of 3 Years in “Comprehensive Development Area” zone,
Various Lots in DD 104 and Adjoining Government Land,
Chuk Yau Road, Ngau Tam Mei, Yuen Long.

(Application No. A/YL-NTM/187)

2. The Secretary reported that an appeal against the decision of the Town Planning Board (TPB) on 26.5.2006 to reject on review an application (No. A/YL-NTM/187) for temporary storage of durable and consumer goods for a period of 3 years at a site zoned “Comprehensive Development Area” on the Ngau Tam Mei Outline Zoning Plan (OZP) was received by the Town Planning Appeal Board (TPAB) on 4.8.2006. The reasons for rejection were that the proposed development was not compatible with the residential dwellings and village settlements in the surrounding areas, and there was insufficient information in the submission to demonstrate that the proposed development would not have adverse environmental, traffic and drainage impacts on the surrounding areas. The hearing date of the appeal was yet to be fixed.

(b) Abandonment of Town Planning Appeal

Town Planning Appeal No. 23 of 2005 (23/05)

Temporary Public Vehicle Park (excluding Container Vehicles)

for a Period of 3 Years in “Village Type Development” zone,

Lots 145(Part), 147A, 147B, 147C, 147RP, 148, 149A, 149B, 149C, 149D,
149RP(Part), 151(Part) and 3405 in DD 102 and

Adjoining Government Land, San Tin, Yuen Long.

(Application No. A/YL-ST/284)

3. The Secretary said that the subject appeal was received by the TPAB on 21.11.2005 against the decision of the TPB on 21.10.2005 to reject on review an application (No. A/YL-ST/284) for temporary public vehicle park (excluding container vehicles) for a period of 3 years at a site zoned “Village Type Development” on the San Tin OZP. On 11.8.2006, the appeal was abandoned by the appellant of his own accord. On 14.8.2006, TPAB formally confirmed that the appeal was abandoned in accordance with Regulation 7(1) of the Town Planning (Appeals) Regulations.

(c) Appeal Statistics

4. The Secretary said that as at 18.8.2006, a total of 30 cases were yet to be heard by the TPAB. Details of the appeal statistics were as follows :

Allowed	:	17
Dismissed	:	85
Abandoned/Withdrawn/Invalid	:	117
Yet to be Heard	:	30
<u>Decision Outstanding</u>	:	<u>1</u>
Total	:	250

Sha Tin, Tai Po and North District

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

Agenda Item 3

Section 12A Application

[Open Meeting (Presentation and Question Sessions Only)]

Y/NE-LYT/2 Application for Amendment to the
Draft Lung Yeuk Tau and Kwan Tei South
Outline Zoning Plan No. S/NE-LYT/11
from “Agriculture” to “Residential (Group C)”,
Lot 2250B in DD 76,
near Ko Po Tsuen, Fanling
(RNTPC Paper No. Y/NE-LYT/2)

Presentation and Question Sessions

5. The following representatives from the Planning Department (PlanD) were invited to the meeting at this point:

Mr. W.K. Hui - District Planning Officer/Shan Tin, Tai Po and North
(DPO/STN)
Miss Alice Y.C. Liu - Senior Town Planner/Shan Tin, Tai Po and North
(STP/STN)

6. The following applicant was invited to the meeting at this point:

Mr. Leung Kai-chung - Applicant

7. The Chairperson extended a welcome and explained the procedures of the hearing. The Chairperson then invited Miss Alice Y.C. Liu, STP/STN, to brief Members on the background to the application.

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

8. Miss Alice Y.C. Liu presented the application as detailed in the Paper and made the following main points :

- (a) the application was for rezoning of the application site on the draft Lung Yeuk Tau and Kwan Tei South Outline Zoning Plan (OZP) from “Agriculture” (“AGR”) to “Residential (Group C)” (“R(C)”). The applicant intended to develop a 2-storey house on the site with a maximum plot ratio of 0.2. The application site was held under an agricultural lot;
- (b) the applicant had provided justifications in support of the rezoning request in that he had been living on the application site for over 30 years. A permit was granted by the Lands Department (LandsD) but the structure was derelict and in need of repair. The Squatter Control Section rejected his redevelopment application for permanent structure since he was not an indigenous villager and was not eligible for Small House grant. The applicant therefore applied for rezoning of the site to low-density residential area for redevelopment of his own house;
- (c) the District Lands Officer/North (DLO/N), LandsD objected to the application as there were unauthorized building works on the site which exceeded the areas permitted by a Modification of Tenancy (MOT) for domestic use and a Letter of Approval for agricultural storage and pigeon shed. The Assistant Commissioner for Transport/New Territories, Transport Department (AC for T/NT, TD) had reservation on the application as residential development should be confined to the residential zone as far as possible where necessary traffic and transport facilities had been planned and provided;

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

- (d) one public comment was received during the statutory publication period raising strong objection to the application on the ground of ‘fung shui’ impact. An objection letter was received by the District Officer but was out of time;
- (e) PlanD did not support the application for reasons as detailed in paragraph 10.1 of the Paper. The application site fell outside an established

residential area. Residential developments should be confined to residential zone as far as possible where the necessary infrastructural support facilities had been planned and provided. Although infrastructural demand associated with the proposed development was not expected to be significant, such development on a piecemeal basis would set an undesirable precedent for similar applications in the future. The resulting cumulative adverse infrastructural impact could be substantial. AC for T/NT, TD did not support the application, and there was objection to the application.

9. The Chairperson then invited the applicant to elaborate on his justifications for the application.

10. Mr. Leung Kai-chung made the following main points :

- (a) he was not an indigenous villager but he had been living there for more than 30 years;
- (b) the surrounding areas of the application site were used to be chicken and pig farms, which had been left vacant since 1990s and some of them were currently used for open storage purposes;
- (c) LandsD advised that his house was an agricultural structure which could not be redeveloped to a structure of different form. If his application was approved, he would redevelop a house in accordance with the permissible floor area and building height. As such, the concern on unauthorised building works raised by LandsD would no longer be an issue;
- (d) Sha Tau Kok Road was widened from 1 lane to 2 lanes in 2000, and TD should have taken into account the future increase in traffic flow in this area. He wondered why TD raised objection on the ground of adverse traffic impact; and
- (e) he also owned another land lot in Sheung Shui, a large part of which was

resumed by the Government in 1980s for the construction of Fanling Highway. The remaining portion of this lot was unable to be put to beneficial uses. In this regard, he wished to turn his existing house at the application site into a permanent structure as a permanent home.

11. Members had the following comments and questions :

- (a) which part of the existing structure was unauthorized;
- (b) whether the existing structure had exceeded the height allowed under the permit; and
- (c) whether the existing structure was still inhabitable.

12. Mr. Leung Kai-chung responded that only the upper part of the existing structure was unauthorized. He admitted that the existing height had exceeded that allowed under the permit. He further said that he had carried out maintenance work for the structure from time to time which was still inhabitable.

13. In response to a Member's question, Mr. W.K. Hui, DPO/STN, said that while the applicant could apply to LandsD for a permit for rebuilding his house, planning permission from the Town Planning Board was required for the proposed house development. The Secretary supplemented that, according to the covering Notes of the OZP, rebuilding of New Territories Exempted House (NTEH) and replacement of an existing domestic building by a NTEH was always permitted, and the 'House' use under Column 2 of "AGR" zone was for NTEH only. As the applicant was not an indigenous villager, he had to apply for rezoning of the site to "R(C)" zone to facilitate his redevelopment of a house. In response to the Secretary's enquiry, Mr. Leung Kai-chung said that the permissible area under the MOT and a Letter of Approval was for a structure with a dimension of 19 feet x 22 feet and a height of 14 feet, and the erection of a canopy, pigeon shed, toilet and storage shed.

14. A Member enquired whether the applicant could carry out building works with a view to improving the condition of the existing structure. Miss Alice Y.C. Liu said that, as advised by DLO/N, LandsD, the existing building bulk including unauthorised building

works had already exceeded the permissible area under the MOT, and enforcement action was being carried out.

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

Deliberation Session

16. A Member said that the MOT for the applicant's domestic structure clearly stated the permitted area and height for the structure. The applicant would be allowed to rebuild the structure but could not change the permitted area, building height and the type of construction materials. This Member further said that consideration should be given to whether the approval of the application would set an undesirable precedent and generate cumulative adverse traffic impacts. Another Member did not support the application for amendment which was made on a piecemeal basis.

17. After deliberation, the Committee decided not to agree to the application for the reasons that the application site fell outside an established residential area. Residential developments should be confined to residential zone as far as possible where the necessary infrastructural support facilities have been planned and provided. Such piecemeal development if permitted would set an undesirable precedent case for similar applications in the future. The resulting cumulative adverse infrastructural impact could be substantial.

Agenda Item 4

[Open Meeting (whole agenda item)]

Proposed Amendments to the

Draft Sha Tin Outline Zoning Plan No. S/ST/21

(RNTPC Paper No. 21/06)

Presentation and Question Sessions

18. Miss Alice Y.C. Liu, STP/STN, presented the proposed amendments to the draft Sha Tin Outline Zoning Plan (OZP) and covered the following aspects as detailed in the Paper :

- (a) rezoning all the industrial land in the Siu Lek Yuen Industrial Area (SLYIA) from “Industrial” (“I”) to “Industrial(1)” (“I(1)”), and stipulating in the Notes for “I” zone that the incorporation of ‘Hotel’ use under Column 2 was only for land designated “I(1)”. Such amendments would allow more flexibility for hotel developments in the SLYIA through planning application;
- (b) amending the Notes for the “Other Specified Uses” (“OU”) annotated “Business” and “OU” annotated “Business(1)” zones in Shek Mun to incorporate ‘Hotel’ use under Column 2. These amendments were to take into account the recommendations of the Updated Area Assessments of Industrial Land in the Territory endorsed by the Town Planning Board (TPB) on 20.1.2006; and
- (c) revising the Notes for the “I” and “OU” annotated “Business” zones (for urban and new town areas) under the Master Schedule of Notes by deleting the provisions for applying for ‘Educational Institution’, ‘Place of Entertainment’ and ‘Religious Institution’ on the ground floor of an existing industrial or industrial-office building, as well as the provisions for applying for ‘Training Centre’ in such building as agreed by TPB on 6.1.2006.

19. Members had no question on the proposed amendments.
20. After deliberation, the Committee decided to :
- (a) agree that the proposed amendments to the draft Sha Tin Outline Zoning Plan (OZP) as mentioned in paragraphs 4 and 5 of the Paper and that the amendment plan No. S/ST/21A at Annex B of the Paper (to be re-numbered as S/ST/22) and its Notes at Annex C of the Paper were suitable for exhibition under section 7 of the Town Planning Ordinance; and
 - (b) adopt the updated Explanatory Statement (ES) at Annex D of the Paper as an expression of the planning intentions and objectives of the Town Planning Board (TPB) for the various land use zonings of the draft Sha Tin OZP and the updated ES would be published together with the Plan under the name of the TPB.

Agenda Item 5

Section 16 Applications

[Open Meeting (Presentation and Question Sessions Only)]

- (i) A/NE-HLH/9 Temporary Animal Carcass Collection Point
for a Period of 3 Years in “Agriculture” zone,
Government Land in Hung Lung Hang, Fanling
(RNTPC Paper No. A/NE-HLH/9)
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Presentation and Question Sessions

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

- (a) background to the application;

- (b) the proposed temporary animal carcass collection point 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 as detailed in paragraph 9.1 of the Paper.

22. Members had no question on the application.

Deliberation Session

23. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 18.8.2009, on the terms of the application as submitted to the Town Planning Board and subject to the condition that 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.

24. The Committee also agreed to advise the applicant to note the comments of the Chief Engineer/Development(2), Water Supplies Department that ::

- (a) water mains in the vicinity of the application site could not provide the standard fire-fighting flow; and
- (b) 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)]

- (ii) A/NE-LYT/337 Proposed Public Utility Installation
(Electricity Package Transformer)
in “Village Type Development” zone,
Government Land in Tong Hang, Fanling
(RNTPC Paper No. A/NE-LYT/337)
-

Presentation and Question Sessions

25. The Committee noted that the applicant requested on 4.8.2006 for a deferment of the consideration of the application to allow time for resolving major technical issues regarding the location of the proposed transformer.

Deliberation Session

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

[Open Meeting (Presentation and Question Sessions Only)]

- (iii) A/NE-KLH/350 Proposed House (New Territories Exempted House
(NTEH) – Small House) in “Agriculture” zone,
Lot 525 in DD 7, Tai Hang Village,
Kau Lung Hang, Tai Po
(RNTPC Paper No. A/NE-KLH/350)
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Presentation and Question Sessions

27. Miss Alice Y.C. Liu, STP/STN, informed that Appendix V of the Paper on public

comments was tabled at the meeting for Members' reference. Then she presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed House (NTEH – Small House);
- (c) departmental comments – the District Lands Officer/Tai Po, Lands Department (DLO/TP, LandsD) objected to the application since the site was not within any village 'environs' ('VE') of a recognised village. The Chief Engineer/Development(2), Water Supplies Department (CE/Dev(2), WSD) objected to the application as the site was located within WSD upper indirect gathering grounds and the proposed house was located less than 30m from nearby stream course. The Director of Environmental Protection (DEP) did not support the application as the proposed NTEH would not be able to connect to existing or planned sewerage system in the area. The Director of Agriculture, Fisheries and Conservation (DAFC) did not favour the application since the site had been a well-established orchard. The agricultural life in its vicinity was active and the site could be retained for arable uses. Also, a natural stream was located close to the site, and any disturbance to the natural habitat should be avoided. The Chief Town Planner/Urban Design and Landscape, Planning Department objected to the application because the site was isolated from the existing village and physically separated by an existing stream. The surrounding landscape was tranquil, rural and agricultural. The proposed house would set an undesirable precedent for similar applications, the cumulative effects of which would lead to a loss of valuable agricultural landscape;
- (d) two public comments were received during the statutory publication period raising concerns on the application in that it did not fulfill the interim criteria for assessing planning application for NTEH/Small House development in the New Territories as the site was outside both the "Village Type Development" ("V") zone and the 'VE'. The proposed development might result in environmental impacts on the agricultural land and the downstream ecology of the nearby natural stream. There should

be a minimum clearance of 30m from septic tank/soakaway from sensitive waters. The proposed development might cause flooding, as well as degrading of landscape value and quality of the active farmlands; and

- (e) the Planning Department (PlanD)'s views – PlanD did not support the application for reasons as detailed in paragraph 11.1 of the Paper. In particular, the application was not in line with the planning intention of the “Agriculture” zone, and DAFC did not favour the application. The proposed development did not comply with the interim criteria for assessing planning application for NTEH/Small House development as the application site was completely outside the “V” zone and the ‘VE’ of any recognised village. It also fell within WSD’s upper indirect water gathering ground and was not able to be connected to existing or planned sewerage system in the area. In this regard, DLO/TP, LandsD, DEP and CE/Dev(2), WSD did not support the application.

28. Members had no question on the application.

Deliberation Session

29. The Chairperson remarked that the application was not in line with the interim criteria for assessing planning application for NTEH/Small House development and was not supported by concerned Government departments.

30. 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;

- (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 was completely outside the “Village Type Development” (“V”) zone and the village ‘environs’ (‘VE’). Development of NTEH/Small House outside both the ‘VE’ and the “V” zone would normally not be approved unless under very exceptional circumstances. There was no information in the submission which warranted special consideration;

- (c) 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 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; and

- (d) the approval of the application would set an undesirable precedent for similar applications in the future, resulting in substantial cumulative environmental and landscape impacts.

[Open Meeting (Presentation and Question Sessions Only)]

- (iv) A/NE-KLH/351 Proposed House (New Territories Exempted House (NTEH) – Small House) in “Agriculture” and “Village Type Development” zones, Lot 87A in DD 9, Kau Lung Hang Village, Kau Lung Hang, Tai Po (RNTPC Paper No. A/NE-KLH/351)
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- (v) A/NE-KLH/352 Proposed House (New Territories Exempted House (NTEH) – Small House) in “Agriculture” and “Village Type Development” zones, Lot 87RP in DD 9, Kau Lung Hang Village, Kau Lung Hang, Tai Po (RNTPC Paper No. A/NE-KLH/352)
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Presentation and Question Sessions

31. Noting that Applications No. A/NE-KLH/351 and 352 were similar in nature and the application sites were located in close proximity of each other, the Committee agreed to consider the two applications together.

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

- (a) background to the applications;
- (b) the proposed House (NTEH – Small House) at each of the application sites;
- (c) departmental comments – the Director of Agriculture, Fisheries and Conservation (DAFC) did not favour the applications since the agricultural life in the vicinity of the sites, which were located next to a vegetable farm, was active and the potential for the agricultural rehabilitation was high. Also, there was a stream located close to the sites where the lower sections were found to be natural in nature. Any disturbance to the natural habitat should be avoided;
- (d) no public comment was received during the statutory publication period. Three local views were received from the District Officer, of which one had no comment on the applications and two supported the applications; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the

applications for reasons as detailed in paragraph 11.1 of the Papers. Although DAFC did not favour the applications from nature conservation point of view, all other relevant departments had no objection to the applications.

33. Members had no question on the applications.

Deliberation Session

34. After deliberation, the Committee decided to approve the applications, on the terms of the applications as submitted to the Town Planning Board. The permissions should be valid until 18.8.2010, and after the said date, the permissions should cease to have effect unless before the said date, the developments permitted were commenced or the permissions were renewed. The permissions were subject to the following conditions :

- (a) the submission and implementation of landscaping proposals to the satisfaction of the Director of Planning or of the Town Planning Board;
- (b) the submission and implementation of drainage facilities to the satisfaction of the Director of Drainage Services or of the Town Planning Board;
- (c) the connection of the foul water drainage system to public sewers to the satisfaction of the Director of Water Supplies or of the Town Planning Board; and
- (d) the provision of protective measures to ensure no siltation occurred or no pollution to the water gathering grounds to the satisfaction of the Director of Water Supplies or of the Town Planning Board.

35. The Committee also agreed to advise the applicants that :

- (a) the actual construction of the proposed Small House should only begin after the completion of the public sewerage network;

- (b) adequate space should be provided for the proposed Small House to be connected to the public sewerage network;
- (c) the “Code of Practice on Working near Electricity Supply Lines” established under the Electricity Supply Lines (Protection) Regulation should be observed by the applicant and his contractors when carrying out works in the vicinity of electricity supply lines. Prior to establishing any structure in the vicinity of the underground cables, the applicant and/or his contractors should consult CLP Power Hong Kong Limited (CLPP) and, if necessary, ask CLPP to divert the electricity supply lines away from the vicinity of the proposed structure; and
- (d) the application site was in close proximity to a natural stream, all necessary measures should be taken to avoid impacts to the natural habitat.

[Open Meeting (Presentation and Question Sessions Only)]

- (vi) A/NE-LT/361 Proposed House (New Territories Exempted House (NTEH) – Small House)
in “Agriculture” and “Village Type Development” zones,
Lot 107RP in DD 18, Tai Om Village,
Lam Tsuen, Tai Po
(RNTPC Paper No. A/NE-LT/361)
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[Mr. B.W. Chan left the meeting temporarily at this point.]

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed House (NTEH – Small House);

- (c) departmental comments – the Director of Agriculture, Fisheries and Conservation (DAFC) did not favour the application as the site was a well-established plant nursery and could be maintained for agricultural uses;
- (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 as detailed in paragraph 11.1 of the Paper. Although DAFC did not favour the application from agricultural development point of view, all other relevant departments had no objection to the application.

37. Members had no question on the application.

Deliberation Session

38. The Chairperson remarked that the proposed house generally complied with the interim criteria for assessing planning application for NTEH/Small House development.

39. 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 18.8.2010, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

- (a) the submission and implementation of landscaping proposals to the satisfaction of the Director of Planning or of the Town Planning Board;
- (b) the submission and implementation of drainage facilities to the satisfaction of the Director of Drainage Services or of the Town Planning Board;
- (c) the provision of a fire fighting access, water supplies and fire services

installations to the satisfaction of the Director of Fire Services or of the Town Planning Board;

- (d) the connection of the foul water drainage system to public sewers to the satisfaction of the Director of Water Supplies or of the Town Planning Board; and
- (e) the provision of protective measures to ensure no siltation occurred or no pollution to the water gathering grounds to the satisfaction of the Director of Water Supplies or of the Town Planning Board.

40. The Committee also agreed to advise the applicant of the following :

- (a) the actual construction of the proposed Small House should only begin after the completion of the public sewerage network;
- (b) adequate space should be provided for the proposed Small House to be connected to the public sewerage network;
- (c) with high voltage (11kV) overhead lines within 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 electricity supply lines. Prior to establishing any structure within the site, the applicant and his contractors should consult CLP Power Hong Kong Limited (CLPP) in respect of the safety clearances required for activities near the overhead lines and, if necessary, liaise with CLPP to divert the overhead lines or have them replaced by underground cables; and
- (d) 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.

[Open Meeting (Presentation and Question Sessions Only)]

- (vii) A/TP/376 Proposed House
 in “Green Belt” zone,
 Lot 482RP in DD 21,
 Pun Shan Chau Village, Tai Po
 (RNTPC Paper No. A/TP/376)
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41. Mr. Alfred Donald Yap declared an interest in this item as he had previously provided professional services to Pun Shan Chau Village.

[Mr. Alfred Donald Yap left the meeting temporarily at this point.]

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed House;
- (c) departmental comments – the Chief Town Planner, Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had reservation on the application in view of the lack of information on the extent of the site formation works, vegetations to be affected by the slope works, the design scheme for the retaining wall, and landscape mitigation measures for the disturbed area in association with the construction work. The Head of Geotechnical Engineering Office, Civil Engineering and Development Department (H(GEO), CEDD) had reservation on the application as the Geotechnical Planning Review Report submitted by the applicant had not provided adequate information to justify its conclusion that the site was geotechnically feasible for the proposed development. While the applicant was willing to carry out a natural terrain hazard study (NTHS), the requirement for NTHS and provision of the necessary mitigation

measures as part of the development might have major cost implication and could render the development financially not viable;

- (d) one public comment was received during the statutory publication period stating that the proposed development was incompatible with the planning intention of the “Green Belt” (“GB”) zone and did not fulfil the criteria for Small House application. Two local views were received from the District Officer, of which one had no adverse comment and the other one objected to the application in that the “GB” site was not suitable for house development; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application for reasons as detailed in paragraphs 11.1 and 11.2 of the Paper. Although H(GEO), CEDD and CTP/UD&L, PlanD had geotechnical and landscaping concerns on the application respectively, these could be addressed through the imposition of relevant approval conditions. Regarding the public comments raising concern on the planning intention and compliance with the Interim Criteria for Small House application issues, the Interim Criteria did not apply to the proposed house development. The Director of Agriculture, Fisheries and Conservation advised that there were only some shrubs of common species growing within/near the application site. Other concerned departments had no further comments to make.

43. Members had no question on the application.

Deliberation Session

44. 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 18.8.2010, 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 and tree preservation proposals to the satisfaction of the Director of Planning or of the Town Planning Board;
- (b) provision of water supplies for fire fighting and fire service installations to the satisfaction of the Director of Fire Services or of the Town Planning Board;
- (c) the provision of an Emergency Vehicular Access to the satisfaction of the Director of Fire Services or of the Town Planning Board;
- (d) the submission and implementation of drainage facilities to the satisfaction of the Director of Drainage Services or of the Town Planning Board; and
- (e) the submission of a Natural Terrain Hazard Study 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.

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

- (a) comply with the General Conditions of Sale and Special Conditions Nos. 1(a), (b) and (c) of GN 364 of 1934, and the provisions in the Building Licence No. 2080 granted to the application site;
- (b) note that water mains in the vicinity of the application site could not provide the standard fire-fighting flow;
- (c) submit site formation works to the Buildings Department in accordance with the provision of the Buildings Ordinance;
- (d) note that if the nearby access road was less than 4.5m wide, the development intensity would be determined by the Building Authority under Building (Planning) Regulation 19(3); and

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

[Mr. Alfred Donald Yap returned to join the meeting at this point.]

[Open Meeting (Presentation and Question Sessions Only)]

(viii) A/NE-KTS/232 Proposed House (New Territories Exempted House (NTEH) - Small House) in “Agriculture” and “Village Type Development” zones, Lots 3335O4 and 3339A in DD 91, Lin Tong Mei, Sheung Shui
(RNTPC Paper No. A/NE-KTS/232)

(ix) A/NE-KTS/233 Proposed House (New Territories Exempted House (NTEH) - Small House) in “Agriculture” and “Village Type Development” zones, Lots 3343RP, 3345C and 3346A in DD 91, Lin Tong Mei, Sheung Shui
(RNTPC Paper No. A/NE-KTS/233)

Presentation and Question Sessions

46. Noting that Applications No. A/NE-KTS/232 and 233 were similar in nature and the application sites were located in close proximity of each other, the Committee agreed to consider the two applications together.

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

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

- (c) departmental comments – the Director of Agriculture, Fisheries and Conservation (DAFC) did not favour the applications from agricultural development point of view since the grading of the site which fell within the “Agriculture” zone was ‘good’ according to the categorization of agricultural land;
- (d) no public comment was received during the statutory publication period. The District Officer advised that the Village Representatives of Lin Tong Mei had no adverse comment on the applications, but they had concerns on the traffic flow and drainage system in the vicinity; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the applications for reasons as detailed in paragraphs 11.1 and 11.2 of the Papers. In particular, the land available within Lin Tong Mei could not fully meet the future Small House demand. While there were local concerns on the traffic flow and drainage problems in the vicinity arising from the proposed development, Transport Department and Drainage Services Department had no objection to the application.

48. Members had no question on the applications.

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

Deliberation Session

49. After deliberation, the Committee decided to approve the applications, on the terms of the applications as submitted to the Town Planning Board. The permissions should be valid until 18.8.2010, and after the said date, the permissions should cease to have effect unless before the said date, the developments permitted were commenced or the permissions were renewed. The permissions were 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 firefighting 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.

50. The Committee also agreed to advise the applicant of Application No. A/NE-KTS/232 to :

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

- (i) the applicant should assess the need to extend his inside services to the nearest Government water mains for connection, resolve any land matter (such as private lots) associated with the provision of water supply, and be responsible for the construction, operation and maintenance of the inside services within private lots to WSD's standards;

- (ii) water mains in the vicinity of the application site could not provide the standard fire-fighting flow;

- (iii) the application site was located within the flood pumping catchment area associated with River Indus and River Ganges pumping stations;

- (b) note the Chief Engineer/Mainland North, Drainage Services Department's comments that :

- (i) the drainage system should be properly maintained and the system should be rectified if it was found inadequate/ineffective during operation;

- (ii) the applicant should be liable for and indemnify claims and demands

arising out of any damage or nuisance caused by a failure of the drainage system;

- (iii) the Director of Environmental Protection should be consulted regarding the sewerage treatment/disposal aspects of the proposed development and the provision of septic tank; and
- (iv) the District Lands Officer/North, Lands Department should be consulted and relevant lot owners' consent should be obtained as regards all proposed drainage works outside site boundary or outside the applicant's jurisdiction.

51. The Committee also agreed to advise the applicant of Application No. A/NE-KTS/233 to :

- (a) apply to the District Lands Officer/North, Lands Department (DLO/N, LandsD) for cancellation of the Modification of Tenancy No. L6340 on the application site and demolish the structures on site prior to the approval was given by DLO/N, LandsD for the building of a small house thereon;
- (b) note the Chief Engineer/Development(2), Water Supplies Department (WSD)'s comments that :
 - (i) the applicant should assess the need to extend his inside services to the nearest Government water mains for connection, resolve any land matter (such as private lots) associated with the provision of water supply, and be responsible for the construction, operation and maintenance of the inside services within private lots to WSD's standards;
 - (ii) water mains in the vicinity of the application site could not provide the standard fire-fighting flow;
 - (iii) the application site was located within the flood pumping catchment

area associated with River Indus and River Ganges pumping stations;

- (c) note the Chief Engineer/Mainland North, Drainage Services Department's comments that :
- (i) the drainage system should be properly maintained and the system should be rectified if it was found inadequate/ineffective during operation;
 - (ii) the applicant should be liable for and indemnify claims and demands arising out of any damage or nuisance caused by a failure of the drainage system;
 - (iii) the Director of Environmental Protection should be consulted regarding the sewerage treatment/disposal aspects of the proposed development and the provision of septic tank; and
 - (iv) the DLO/N, LandsD should be consulted and relevant lot owners' consent should be obtained as regards all proposed drainage works outside site boundary or outside the applicant's jurisdiction.

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

Sai Kung and Islands District

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

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

Agenda Item 6

[Open Meeting (whole agenda item)]

Proposed Amendments to the

Draft Lamma Island Outline Zoning Plan No. S/I-LI/7

(RNTPC Paper No. 22/06)

Presentation and Question Sessions

52. With the aid of a powerpoint presentation, Ms. Maggie M.Y. Chin, STP/SKIs, stated the background to the proposed amendments to the draft Lamma Island Outline Zoning Plan (OZP) as detailed in the Paper. The amendments were mainly to facilitate the provision of sewerage facilities at Sok Kwu Wan of Lamma Island to serve the existing and planned population in the area. Ms. Chin then went through the proposed amendments which were summarised as follows :

- (a) rezoning of the ex-quarry site at Sok Kwu Wan from “Coastal Protection Area” (“CPA”) and “Conservation Area” (“CA”) to “Other Specified Uses” (“OU”) annotated “Sewage Treatment Works” to facilitate the development of a sewage treatment works;
- (b) rezoning of a small area adjacent to an existing footpath connecting Chung Mei and Sok Kwu Wan from “Residential (Group C)” (“R(C)”) to “Government, Institution or Community(3)” (“G/IC(3)”) for the development of a pumping station. Development within the site was proposed to be limited to a maximum building height of 9m so as to be in keeping with the low-rise character of the local environment; and
- (c) rezoning of a small area adjacent to an existing soccer field at Ta Shui Wan, Sok Kwu Wan from “Open Space” (“O”) and “Village Type Development” (“V”) to “G/IC(3)” for the development of a pumping station. Development within the site was also proposed to be limited to a maximum building height of 9m.

53. Members had no question on the proposed amendments.

Deliberation Session

54. After deliberation, the Committee decided to :

- (a) agree that the proposed amendments to the draft Lamma Island Outline Zoning Plan (OZP) as mentioned in paragraph 4 of the Paper and that the amendment plan No. S/I-LI/7A at Annex II of the Paper (to be renumbered as S/I-LI/8) and its Notes at Annex III of the Paper were suitable for exhibition under section 7 of the Town Planning Ordinance after consultation with the Islands District Council and the Lamma Island (South) Rural Committee; and
- (b) adopt the updated Explanatory Statement (ES) at Annex IV of the Paper as an expression of the planning intentions and objectives of the Town Planning Board for the various land use zonings of the amendment plan and the updated ES would be published together with the Plan under the name of the Town Planning Board.

[Mr. Edmund K.H. Leung left the meeting temporarily and Mr. Tony C.N. Kan returned to join the meeting at this point.]

Agenda Item 7

Section 16 Applications

[Open Meeting (Presentation and Question Sessions Only)]

- (i) A/SK-PK/148 Proposed School (Kindergarten)
in “Village Type Development” zone,
Lot 605A(Part), 659(Part), 660(Part), 661(Part), 663(Part),
664(Part), 665, 666B(Part), 666C, 671(Part) in DD 221
and Adjoining Government Land,
G/F and 1/F, Number 1A, Lane 2,
Sha Kok Mei Village, Sai Kung
(RNTPC Paper No. A/SK-PK/148)
-

Presentation and Question Sessions

55. The Committee noted that the applicant requested on 14.8.2006 for a deferment of the consideration of the application for one month to allow time for responding to the comments of the Transport Department and preparing further information on the application.

Deliberation Session

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

[Open Meeting (Presentation and Question Sessions Only)]

- (ii) A/SK-PK/149 Proposed Houses
in “Residential (Group D)” zone,
Lot 627RP in DD 215,
Tan Cheung, Sai Kung
(RNTPC Paper No. A/SK-PK/149)
-

Presentation and Question Sessions

57. Mr. Michael C.F. Chan, DPO/SKIs, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed Houses;
- (c) departmental comments – no objection from concerned Government departments was received;
- (d) no public comment was received during the statutory publication period. The District Officer conveyed a local objection to the Committee which considered that the proposed development should not affect an existing drain along the southern boundary of the application site; and
- (e) the Planning Department (PlanD)’s views – PlanD did not support the application for reasons as detailed in paragraph 11.1 of the Paper. Developments within the “Residential (Group D)” (“R(D)”) zone were restricted to a maximum plot ratio (PR) of 0.2. The proposed houses with a PR of 0.89 was considered excessive and not in line with the planning intention of the “R(D)” zone. No justifications had been provided in the submission to merit the increase in development intensity. The approval of the application would set an undesirable precedent for other similar applications within the “R(D)” zone.

58. Members had no question on the application.

Deliberation Session

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

- (a) the proposed development was not in line with the planning intention of the “Residential (Group D)” (“R(D)”) zone, which was for low-rise, low-density residential developments. The proposed plot ratio of 0.89 was considered excessive and no justifications had been provided in the submission to merit an increase in development intensity; and
- (b) the approval of the application would set an undesirable precedent for other similar applications within the “R(D)” zone.

[The Chairperson thanked Mr. Michael C.F. Chan, DPO/SKIs, and Ms. Maggie M.Y. Chin, STP/SKIs, for their attendance to answer Members’ enquiries. Mr. Chan and Ms. Chin left the meeting at this point.]

Tuen Mun and Yuen Long District

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

Agenda Item 8

Section 16 Applications

[Mr. Edmund K.H. Leung returned to join the meeting and Mr. B.W. Chan left the meeting at this point.]

[Open Meeting (Presentation and Question Sessions Only)]

- (i) A/TM-LTY Y/143 Temporary Open Storage of Coaches, Repairing Workshop and Ancillary Car Park for Private Cars for a Period of 3 Years in “Government, Institution or Community”, “Residential (Group C)” and “Residential (Group D)” zones, Lots 809RP, 810, 811, 1132, 1133, 1134, 1135ARP, 1135B, 1141RP(Part) and 1143RP(Part) in DD 130, Lam Tei, Tuen Mun (RNTPC Paper No. A/TM-LTY Y/143)
-

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the temporary open storage of coaches, repairing workshop and ancillary car park for private cars for a period of 3 years;
- (c) departmental comments – the Director of Environmental Protection (DEP) did not support the application as there were sensitive uses in the vicinity of the site and environmental nuisance was expected;
- (d) two public comments were received during the statutory publication period raising objection to the application on the grounds of adverse traffic impact of the proposed development and the associated traffic safety issues at Fuk Hang Tsuen Road; and
- (e) the Planning Department (PlanD)’s views – PlanD did not support the application for reasons as detailed in paragraphs 12.2 and 12.3 of the Paper. The site fell within both Category 3 and 4 areas under the Town Planning Board Guidelines No. 13D, with over 99% within Category 4 areas. The

proposed development was not in line with the planning intention of the “Government, Institution or Community”, “Residential (Group C)” and “Residential (Group D)” zones. It was not compatible with the residential dwellings in the surrounding areas. In this regard, DEP did not support the application. There was insufficient information to demonstrate that the development would not have adverse traffic and drainage impacts on the surrounding areas. Public comments were received raising objection on the grounds of adverse traffic impact and road safety issue.

61. Members had no question on the application.

Deliberation Session

62. 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 “Government, Institution or Community” (“G/IC”), “Residential (Group C)” (“R(C)”) and “Residential (Group D)” (“R(D)”) zones. No strong justification had been given in the submission to merit a departure from such planning intention, even on a temporary basis. The development was also not compatible with the residential structures in the immediate vicinity;
- (b) there was insufficient information to demonstrate that the development would not have adverse environmental, traffic and drainage impacts on the surrounding areas;
- (c) the application 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 no exceptional circumstances merit approval. Besides, the site did not have previous planning approvals, and there were adverse departmental and public comments against the applied use; and
- (d) no similar applications were previously approved in “G/IC”, “R(C)” and

“R(D)” zones. The approval of the application would set an undesirable precedent, the cumulative impact of approving such applications would result in a general degradation of the environment.

[Open Meeting (Presentation and Question Sessions Only)]

- (ii) A/TM-LTY Y/144 Proposed Utility Installation for Private Project
(Electricity Package Substation)
in “Village Type Development” zone,
Lot 3753M(Part) in DD 124,
Sun Fung Wai, Tuen Mun
(RNTPC Paper No. A/TM-LTY Y/144)
-

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed utility installation for private project (electricity package substation);
- (c) departmental comments – the District Lands Officer/Tuen Mun (DLO/TM), Lands Department did not support the application as the proposed electricity package substation was located on the part of the lot which, according to the condition of the building licence, should only be used for agricultural or garden purposes;
- (d) one public comment was received during the statutory publication period stating that the proposal should not jeopardise the overall development of the area in the future; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the

application for reasons as detailed in paragraphs 10.1 to 10.3 of the Paper. Regarding DLO/TM's comments on the building licence governing the site, the applicant would be advised to approach DLO/TM to resolve such land matter. As for the public comment received, the proposed package substation was small in scale and not incompatible with the surrounding developments. It would not jeopardise the overall development of the area in the future.

64. Members had no question on the application.

Deliberation Session

65. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board. The permission should be valid until 18.8.2010, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

- (a) the submission and implementation of landscape proposals to the satisfaction of the Director of Planning or of the Town Planning Board;
- (b) the provision of emergency vehicular access, water supply for fire fighting and fire service installations for the site to the satisfaction of the Director of Fire Services or of the Town Planning Board; and
- (c) the submission of a drainage proposal and implementation of flood mitigation measures and/or other stormwater drainage facilities to the satisfaction of the Director of Drainage Services or of the Town Planning Board.

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

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

- (b) note the District Lands Officer/Tuen Mun's comment that the building licence governing the site did not allow the development of the proposed package substation. The applicant should approach his office to resolve such land matter;
- (c) note the Assistant Commissioner for Transport/New Territories, Transport Department's comment that his department would not take up the management responsibility of the proposed access road and that the applicant should clarify the maintenance responsibility of this proposed access road;
- (d) note the Chief Highway Engineer/New Territories West, Highways Department's comment that the applicant should seek consent from all concerned government departments regarding the planned access road and that his Regional Office had no maintenance responsibility of the proposed access road;
- (e) note the Chief Building Surveyor/New Territories West, Buildings Department's comment that if the site did not abut on a street of not less than 4.5m, the development intensity would be determined under Building (Planning) Regulation (B(P)R) 19(3) at the building plan submission stage. Formal submission by authorized person for the proposed development was required under the Buildings Ordinance; and
- (f) note the Director of Health's comment that the "Guidelines for Limiting Exposure to Time-varying Electric, Magnetic, and Electromagnetic Fields (up to 300GHz)" issued by the International Commission on Non-Ionizing Radiation Protection (ICNIRP) was applicable, any location in the vicinity of the proposed package substation that was accessible to the workers and the public should not exceed 10kV/m(E-field) and 0.5mT(B-field) for occupational exposure and 5kV/m(E-field) and 0.1mT(B-field) for general public exposure for frequency of 50Hz. The compliance should be verified by direct on-site measurement upon commissioning of the package

substation.

[Open Meeting (Presentation and Question Sessions Only)]

- (iii) A/YL-HT/441 Proposed Temporary Open Storage of Containers
with Ancillary Open Storage of Goods for a Period of 3 Years
in “Residential (Group D)” zone,
Lots 5(Part), 6(Part), 7(Part), 12(Part), 42(Part), 43(Part),
44(Part), 45(Part), 46A(Part), 46B(Part), 46RP(Part), 47(Part),
49(Part) and 50(Part) in DD 124, Lots 1498ARP and
1498BRP(Part) in DD 125 and Adjoining Government Land,
Ha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-HT/441)
-

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed temporary open storage of containers with ancillary open storage of goods for a period of 3 years;
- (c) departmental comments – the Director of Environmental Protection 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 Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) did not support the application due to the cumulative negative landscape impact caused by the proposed development which would further degrade the surrounding environment, and the submitted landscape proposal was considered insufficient to mitigate the negative landscape impact;

- (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 as detailed in paragraph 12.2 of the Paper. The proposed development was not in line with the planning intention of the “R(D)” zone. The residential dwellings located in the vicinity of the site would be subject to noise nuisance arising from the proposed use. In this regard, DEP did not support the application. There was insufficient information in the drainage and landscape proposals to demonstrate that the development would not cause adverse drainage and landscape impacts on the surrounding areas.

Deliberation Session

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

- (a) the development was not in line with the planning intention of the “Residential (Group D)” (“R(D)”) zone which was intended primarily for improvement and upgrading of existing temporary structures within the rural areas through redevelopment of existing temporary structures into permanent buildings and for low-rise, low-density residential developments subject to planning permission from the Town Planning Board. No strong justification had been given in the submission for a departure from such planning intention, even on a temporary basis;
- (b) the 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 and there was insufficient information in the submission to demonstrate that the development would not have adverse environmental, traffic, drainage and landscape impacts on the surrounding areas; and

- (c) the approval of the application would set an undesirable precedent for similar applications within “R(D)” zone. The cumulative impact of approving such applications would result in a general degradation of the environment.

[Open Meeting (Presentation and Question Sessions Only)]

- (iv) A/YL-HT/457 Proposed Temporary Public Car Park
(excluding Container Vehicles) for a Period of 3 Years
in “Village Type Development”
and “Residential (Group D)” zones,
Lots 1218(Part), 1219(Part), 1220(Part) and
1223(Part) in DD 124 and Adjoining Government Land,
Ha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-HT/457)
-

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed temporary public car park (excluding container vehicles) for a period of 3 years;
- (c) departmental comments – the Director of Environmental Protection did not support the application as there were sensitive uses in the vicinity of the site and/or access road and environmental nuisance was expected;
- (d) six public comments were received during the statutory publication period raising objection to the application on the grounds that car parking spaces were sufficient; demand for additional parking facilities was not justified; and the proposed car park would attract vehicle thefts, further intensify

traffic congestion along the already overloaded Tin Ha Road, aggravate the noise and air pollution to nearby residents, cause drainage impacts on the flood-prone Tin Ha Road, attract illegal trade of petroleum, and affect the normal functioning of West Rail Emergency Vehicle Lay-by. The District Officer also received one objection to the application on security, traffic flow, air and noise pollution and environmental concern grounds; and

- (e) the Planning Department (PlanD)'s views – PlanD did not support the application for reasons as detailed in paragraphs 11.1 and 11.2 of the Paper. The proposed car park was not in line with the planning intention of the “Village Type Development” zone. There was insufficient information in the submission to demonstrate that there was a genuine parking demand for additional parking provision to serve the nearby residents. There was also insufficient information in the submission to demonstrate that the operation of the car park would not have adverse environmental, drainage and traffic impacts on the area. Local objections were received against the application.

Deliberation Session

70. The Chairperson remarked that the proposed car park was considered incompatible with the surrounding residential dwellings.

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

- (a) the development was not in line with the planning intention of the “Village Type Development” zone which was to designate both existing recognised villages and areas of land considered suitable for village expansion, and that of the “Residential (Group D)” zone which was intended for low-rise, low-density residential developments, and primarily for improvement and upgrading of existing temporary structures within the rural areas through redevelopment of existing temporary structures into permanent buildings. There was no strong justification in the submission for a departure from

such planning intentions, even on a temporary basis;

- (b) there was insufficient information in the submission to justify the need for a public car park at the site; and
- (c) there was insufficient information in the submission to demonstrate that the development would not have adverse environmental, drainage and traffic impacts on the surrounding areas.

[Open Meeting (Presentation and Question Sessions Only)]

- (v) A/YL-HT/459 Temporary Open Storage of Construction Materials and Machinery for a Period of 3 Years in “Recreation” zone, Lots 1161(Part), 1198(Part), 1199A, 1199B(Part), 1200(Part), 1201(Part), 1202A, 1202B, 1203(Part), 1204(Part), 1205(Part), 1206(Part), 1207(Part), 1208 and 1213(Part) in DD 125, Ha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-HT/459)
-

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the temporary open storage of construction materials and machinery for a period of 3 years;
- (c) departmental comments – the Director of Environmental Protection 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 Chief

Town Planner/Urban Design and Landscape, Planning Department did not support the proposed development as it would further degrade the surrounding environment;

- (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 as detailed in paragraph 12.2 of the Paper. The proposed use was not compatible with the nearby village settlements. There was insufficient information in the submission to demonstrate that the applied use would not have adverse environmental, traffic, drainage and landscape impacts on the surrounding areas. The site was the subject of 7 previous applications for the same use which were all rejected by the Committee.

73. Members had no question on the application.

Deliberation Session

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

[Open Meeting (Presentation and Question Sessions Only)]

- (vi) A/YL-KTN/254 Renewal of Planning Approval for Temporary Open Storage of Vehicles (Lorries, Vans and Private Cars) for Sale under Application No. A/YL-KTN/179 for a Period of 3 Years in “Residential (Group D)” zone, Lot 667(Part) in DD 110, Kam Tin, Yuen Long
(RNTPC Paper No. A/YL-KTN/254)
-

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed renewal of planning approval for temporary open storage of vehicles (lorries, vans and private cars) for sale under Application No. A/YL-KTN/179 for a period of 3 years;
- (c) departmental comments – the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD) did not support the application mainly on the grounds that unauthorized structures were erected on the site, and the landowner of the subject lot refused to apply for Short Term Waiver to regularize the unauthorized structures. The Assistant Commissioner for Transport/New Territories, Transport Department (AC for T/NT, TD) advised that the turning radius might not be sufficient for left turning by the lorries and vans from the existing gate 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 had no objection to the application for reasons as detailed in paragraph 12.2 of the Paper.

Regarding the comments of DLO/YL, an advisory clause in paragraph 12.4(a) of the Paper was recommended to address the land administrative issues. AC for T/NT, TD's concerns could be addressed by imposing approval conditions as recommended in paragraphs 12.3(f) and (g) of the Paper.

76. Members had no question on the application.

Deliberation Session

77. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years up to 18.8.2009, on the terms of the application as submitted to the Town Planning Board and subject to the following conditions :

- (a) no vehicle dismantling, maintenance, repairing, cleansing, paint spraying and other workshop activities should be carried out on the site at any time during the planning approval period;
- (b) the existing landscape plantings on the application site should be maintained at all times during the planning approval period;
- (c) the drainage facilities implemented under Application No. A/YL-KTN/179 on the application site should be maintained at all times during the planning approval period;
- (d) 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 18.2.2007;
- (e) in relation to (d) above, the provision 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 18.5.2007;
- (f) the submission of car parking layout including swept path analysis within 6

months from the date of planning approval to the satisfaction of the Commissioner for Transport or of the Town Planning Board by 18.2.2007;

- (g) in relation to (f) above, the implementation of the car parking layout within 9 months from the date of planning approval to the satisfaction of the Commissioner for Transport or of the Town Planning Board by 18.5.2007;
- (h) 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;
- (i) if any of the above planning conditions (d), (e), (f) or (g) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and
- (j) upon expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the Town Planning Board.

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

- (a) note the District Lands Officer/Yuen Long, Lands Department's comments that an unauthorized porch and a meter room were found currently erected on Lot No. 667. The shed as clarified by the applicant was still regarded as a structure and Built-over Area (BOA) accountable. The landowner of the subject lot refused to apply for the regularization of the unauthorized structures by way of Short Term Waiver despite the issuance of advisory letter. His office reserved the right to take lease enforcement action against the irregularities;
- (b) note the Chief Building Surveyor/New Territories West, Buildings Department's comments that all unauthorized building works/structures should be removed. All building works were subject to compliance with

Buildings Ordinance (BO). Authorized Person should be appointed to coordinate all building works. The granting of planning approval should not be construed as an acceptance of the unauthorized structures on site under the BO. Enforcement action might be taken to effect the removal of all unauthorized works in the future;

- (c) note the Assistant Commissioner for Transport/New Territories, Transport Department's comments that the turning radius might not be sufficient for left turning by the lorries and vans from the existing gate of the site;
- (d) note the Chief Highway Engineer/New Territories West, Highways Department (HyD)'s comments that the construction works of the "Improvement to Kam Tin Road, Stage 2" project should not be affected. The 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;
- (e) follow the environmental mitigation measures as set out in the "Code of Practice on Handling Environmental Aspects of Open Storage and Other Temporary Uses" issued by the Director of Environmental Protection to minimize any possible environmental nuisances; and
- (f) note the Director of Electrical and Mechanical Services' comments that the "Code of Practice on Working near Electricity Supply Lines" established under the Electricity Supply Lines (Protection) Regulation should be observed by the applicant and his contractors when carrying out works in the vicinity of electricity supply lines. Prior to establishing any structure within the lot, the applicant or his contractors should liaise with CLP Power Hong Kong Limited to divert the existing low voltage overhead lines away from the vicinity of the proposed development.

[Open Meeting (Presentation and Question Sessions Only)]

- (vii) A/YL-LFS/147 Proposed Temporary Open Storage of Metal Ware
for a Period of 3 Years
in “Commercial/Residential” zone,
Lot 2182RP in DD 129,
Lau Fau Shan, Yuen Long
(RNTPC Paper No. A/YL-LFS/147)
-

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed temporary open storage of metal ware for a period of 3 years;
- (c) departmental comments – the Director of Environmental Protection did not support the application as there were sensitive uses in the vicinity of the site and environmental nuisance was expected. The Commissioner of Police had concerns on the increased number of heavy goods vehicles associated with the proposed use due to numerous reports of traffic congestion along Lau Fau Shan Road mainly caused by waiting/turning of heavy commercial vehicles;
- (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 as detailed in paragraph 12.2 of the Paper. The proposed development was not compatible with the nearby tourist spot of seafood market and restaurants of Lau Fau Shan. There was no information in the submission to demonstrate that the development would not have adverse environmental, traffic, drainage and landscape impacts on

the surrounding areas.

80. Members had no question on the application.

Deliberation Session

81. The Chairperson remarked that the proposed development was incompatible with the nearby tourist facilities. Members agreed to this view.

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

[Open Meeting (Presentation and Question Sessions Only)]

(viii) A/YL-LFS/148 Temporary Logistic Centre and Parking of Trailer
for a Period of 3 Years
in “Commercial/Residential” zone,
Lots 2183RP, 2184RP, 2185RP,
2186 and 2187RP(Part) in DD 129,
Lau Fau Shan, Yuen Long
(RNTPC Paper No. A/YL-LFS/148)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed temporary logistic centre and parking of trailer for a period of 3 years;
- (c) departmental comments – the Director of Environmental Protection did not support the application as there were sensitive uses in the vicinity of the site and environmental nuisance was expected. The Commissioner of Police had concerns on the increased number of heavy goods vehicles associated with the proposed use due to numerous reports of traffic congestion along Lau Fau Shan Road mainly caused by waiting/turning of heavy commercial vehicles;
- (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 as detailed in paragraph 12.2 of the Paper. The proposed development was not compatible with the nearby tourist spot of seafood market and restaurants of Lau Fau Shan. There was no information in the submission to demonstrate that the development would not have adverse environmental, traffic, drainage and landscape impacts on the surrounding areas.

84. Members had no question on the application.

Deliberation Session

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

[Open Meeting (Presentation and Question Sessions Only)]

- (ix) A/YL-NTM/194 Proposed Public Utility Installation
(CLP Transformer Package Substation)
in “Village Type Development” zone,
Lot 2308C(Part) in DD 104,
Sheung Chuk Yuen,
Ngau Tam Mei, Yuen Long
(RNTPC Paper No. A/YL-NTM/194)
-

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed public utility installation (CLP transformer package substation);
- (c) departmental comments – the Director of Agriculture, Fisheries and Conservation (DAFC) had concern on the potential adverse impact on the

natural stream, which was proposed to be diverted, and the trees nearby. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) also expressed concern on the proposed alignment and level of the diverted drainage which would be in close proximity to the existing tree and might affect its root system;

- (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 as detailed in paragraph 11.1 of the Paper. There was neither information nor technical justifications in the submission to demonstrate that the proposed location was the most suitable site and no alternative sites were available. The proposed diversion of an existing natural stream associated with the application would have adverse impact on the stream and the trees nearby. In this regard, DAFC and CTP/UD&L, PlanD had raised their concerns.

87. A Member asked whether disapproval of the application would have any implication on the supply of electricity to local residents. Mr. Wilson Y.L. So, DPO/TMYL, said that electricity supply to the area was currently provided by overhanging cable system. The proposed transformer package substation was intended to meet the future demand of about 50 Small House developments in the area.

Deliberation Session

88. The Committee generally agreed that the proposed site for the transformer package substation was not a suitable site in view of relevant departments' concerns.

89. 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 proposed location was the most suitable site for provision of a CLP

Transformer Package Substation and that no alternative sites were available;
and

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

[Open Meeting (Presentation and Question Sessions Only)]

- (x) A/YL-PH/526 Proposed Temporary Sales Centre of Second-hand Private Vehicles for a Period of 3 Years in “Residential (Group D)” zone, Lots 116(Part), 117(Part), 118(Part), 119(Part) and 121(Part) in DD 108 and Adjoining Government Land, Fan Kam Road, Pat Heung, Yuen Long
(RNTPC Paper No. A/YL-PH/526)
-

Presentation and Question Sessions

90. Dr. James C.W. Lau, having current business dealings with Top Bright Consultants Ltd., which was the consultant for this application, declared an interest in this item.

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

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

- (a) background to the application;
- (b) the proposed temporary sales centre of second-hand private vehicles for a period of 3 years;
- (c) departmental comments – Assistant Commissioner for Transport/New

Territories, Transport Department (AC for T/NT, TD) did not support the application since the proposed vehicular access to Fan Kam Road was located at the existing bus lay-by which was not desirable in respect of road safety. The Director of Environmental Protection did not support the application as there were sensitive uses in the vicinity of the site and environmental nuisance was expected;

- (d) no public comment was received during the statutory publication period and no local objection was received from the District Officer; and
- (e) the Planning Department (PlanD)'s views – PlanD did not support the application for reasons as detailed in paragraph 12.2 of the Paper. Although there were previous approvals for part of the site for car park and open storage uses, no submission had been made for compliance with the approval conditions under the previous approvals. There might be potential noise and dust nuisance from the development to the residential structures located in the vicinity of the site. The proposed vehicular access was considered unacceptable by AC for T/NT, TD. The Chief Engineer/Mainland North, Drainage Services Department advised that the submitted drainage proposal was not satisfactory.

92. Members had no question on the application.

Deliberation Session

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

- (a) the proposed 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 adverse departmental comments on traffic, environmental and drainage aspects; and
- (b) there was insufficient information in the submission to demonstrate that the

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

[Open Meeting (Presentation and Question Sessions Only)]

- (xi) A/YL-ST/317 Temporary Public Vehicle Park (excluding Container Vehicle) for a Period of 3 Years in “Village Type Development” zone, Lots 3044RP, 3045RP, 3048RP, 3049RP, 3050RP, 3053RP(Part), 3056 and 3057RP(Part) in DD 102 and Adjoining Government Land, San Tin, Yuen Long
(RNTPC Paper No. A/YL-ST/317)
-

Presentation and Question Sessions

94. Dr. James C.W. Lau, having current business dealings with Ho Tin & Associates Consulting Engineers Ltd., which was one of the consultants for this application, declared an interest in this item. The Committee noted that Dr. Lau had already left the meeting temporarily.

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

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

- (a) background to the application;
- (b) the temporary public vehicle park (excluding container vehicle) for a period of 3 years;
- (c) departmental comments – the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD) did not support the planning application mainly in that part of the site was situated on Government land (GL) which

was being occupied without prior approval. Unauthorized structures were erected on both private lots and GL. It was likely that a Small House would be built within the site in the next 3 years in view of shortened processing time for Small House applications. The Director of Environmental Protection (DEP) did not support the application as there were sensitive uses in the vicinity of the site and environmental nuisance was expected;

- (d) no public comment was received during the statutory publication period and no local objection was received from the District Officer; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application for reasons as detailed in paragraph 12.1 of the Paper. In view of DLO/YL, LandsD's concern, a shorter approval period of 12 months was recommended in order not to affect the long-term provision of land for Small House development. DEP's concern on potential environmental impacts would be addressed by imposing approval conditions as recommended in paragraphs 12.2 (b) and (c) of the Paper.

96. Members had no question on the application.

Deliberation Session

97. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 12 months until 18.8.2007, on the terms of the application as submitted to the Town Planning Board and subject to the following conditions :

- (a) no vehicles without valid licences issued under the Road Traffic Ordinance were allowed to be parked/stored on the site;
- (b) only private cars, taxis, light vans and motor cycles were allowed to be parked on the site during the planning approval period;
- (c) no car washing and vehicle repair workshop were allowed on the site;

- (d) the submission of landscape proposals within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the Town Planning Board by 18.11.2006;
- (e) in relation to (d) above, the implementation of landscape proposals within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the Town Planning Board by 18.2.2007;
- (f) the submission of drainage proposals within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 18.11.2006;
- (g) in relation to (f) above, the provision of drainage facilities proposed within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 18.2.2007;
- (h) the submission of a proper run-in proposal for the site within 3 months from the date of planning approval to the satisfaction of the Director of Highways or of the Town Planning Board by 18.11.2006;
- (i) in relation to (h) above, the provision of a proper run-in within 6 months from the date of planning approval to the satisfaction of the Director of Highways or of the Town Planning Board by 18.2.2007;
- (j) the provision of a 9-litre water type/3 kg dry powder fire extinguisher in the site office within 3 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 18.11.2006;
- (k) 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;

- (l) if any of the above planning conditions (d), (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 the expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the Town Planning Board.

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

- (a) note that a shorter compliance period was granted so as to closely monitor the fulfillment of approval conditions imposed;
- (b) resolve any land issues relating to the development with the concerned owner(s) of the application site;
- (c) note the District Lands Officer/Yuen Long, Lands Department's comments that Government land had been illegally occupied and to apply to his Office for Short Term Waiver for regularization of the unauthorized structures within the site;
- (d) follow the latest "Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites" issued by the Environmental Protection Department to minimize potential environmental impacts on the surrounding areas;
- (e) note the Assistant Commissioner for Transport/New Territories, Transport Department's comments that the management, maintenance and land status of road/path/track leading to the site from Tung Wing On Road should be clarified;

- (f) note the Chief Highway Engineer/New Territories West, Highways Department's advice that the junction between Tung Wing On Road/Castle Peak Road – San Tin and adjacent road junctions would be modified under the project of "Improvement to San Tin Interchange" in 2007. The applicant should take into account the modification works of the above project in assessing the traffic impact of the application; and
- (g) note the Chief Building Surveyor/New Territories West, Buildings Department's comments that the granting of planning approval should not be construed as condoning to any structures existing on the site under the Buildings Ordinance (BO) and the allied regulations. Actions appropriate under the BO or other enactment might be taken if contravention was found. Formal submission of any proposed new works, including any temporary structure, for approval under the BO was required. If the site was not abutting on or accessible from a street having a width of not less than 4.5m, its development intensity should be determined under Building (Planning) Regulation 19(3) at the building plan submission stage.

[Dr. James C.W. Lau and Mr. Tony C.N. Kan returned to the meeting at this point.]

[Open Meeting (Presentation and Question Sessions Only)]

- (xii) A/YL-TYST/326 Temporary Open Storage of Plastic Goods (Including Containers and Road Signs) for a Period of 3 Years in "Undetermined" zone, Lots 1415RP, 1416RP, 1423, 1425 and 1426 in DD 119 and Adjoining Government Land, Shan Ha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-TYST/326)
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Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed temporary open storage of plastic goods (including containers and road signs) for a period of 3 years;
- (c) departmental comments – the Director of Environmental Protection (DEP) did not support the application as there was a sensitive receiver to the immediate west of the site and environmental nuisance was expected;
- (d) one public comment was received during the statutory publication period objecting to the application in that the site was in close proximity to residential settlements. Plastic workshop might generate pollution and affect the natural environment; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application for reasons as detailed in paragraphs 11.2 to 11.4 of the Paper. Whilst DEP did not support the application and there was local objection on pollution grounds, the applicant proposed no workshop on the site and the environmental impact could be minimized by restricting the operation hours and the type of vehicles used through the imposition of approval conditions as recommended in paragraphs 11.5 (a) to (d) of the Paper. A shorter approval period of 2 years instead of 3 years was recommended so as to monitor the development on the site.

100. Members had no question on the application.

Deliberation Session

101. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 2 years until 18.8.2008, on the terms of the application as submitted to the Town Planning Board and subject to the following conditions :

- (a) no night-time operation between 7 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) no repairing, dismantling and workshop activities should be carried out on the site at any time during the planning approval period;
- (d) no heavy vehicles, i.e. over 24 tonnes, were allowed for the operation of the site at any time during the planning approval period;
- (e) the implementation of the accepted landscape 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 18.11.2006;
- (f) the submission of the revised drainage proposals within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 18.11.2006;
- (g) in relation to (f) above, the implementation of the revised drainage proposals within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 18.2.2007;
- (h) if any of the above planning conditions (a), (b), (c) or (d) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (i) if any of the above planning conditions (e), (f) or (g) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and
- (j) upon the expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of

Planning or of the Town Planning Board.

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

103. 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 a shorter approval period of 2 years and a shorter compliance period were granted so as to monitor the situation of the site and the fulfillment of approval conditions;
- (c) note the District Lands Officer/Yuen Long, Lands Department's comments that the lot owners concerned should be reminded to apply for short term waiver (STW) and short term tenancy (STT) to regularize the irregularities on the site. Should no STW and STT application be received or approved and the irregularities persisted on site, his office would consider taking appropriate lease enforcement action against the registered owners;
- (d) note the Assistant Commissioner for Transport/New Territories, Transport Department's comments that the land status of the road/path/track leading to the site should be checked with the lands authority. The management and maintenance responsibilities of the same road/path/track should also be clarified and the relevant lands and maintenance authorities should be consulted accordingly;
- (e) note the Chief Highway Engineer/New Territories West, Highways Department's comments that his office did not maintain the vehicular access track from the site to Shan Ha Road;

- (f) follow the latest 'Code of Practice on Handling Environmental Aspects of Open Storage and Temporary Uses' issued by Environmental Protection Department; and
- (g) note the Chief Building Surveyor/New Territories West, Buildings Department's comments that all building works were subject to compliance with Buildings Ordinance (BO). Authorised Person should be appointed to coordinate all building works. The granting of planning approval should not be construed as an acceptance of the unauthorised structures on site under the BO. 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-TYST/327 Temporary Open Storage of Generators
for a Period of 3 Years
in "Undetermined" and "Village Type Development" zones,
Lots 1433RP(Part), 1438ARP, 1438BRP, 1438D to 1438H
and 1438RP(Part) in DD 119,
Shan Ha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-TYST/327)
-

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed temporary open storage of generators for a period of 3 years;
- (c) departmental comments – the Director of Environmental Protection did not support the application as there were sensitive uses in the vicinity of the

site and environmental nuisance was expected. The Chief Town Planner/Urban Design and Landscape, Planning Department had reservation on the application in that the submitted landscape proposal was inadequate to provide the essential screening to the nearby visual sensitive receivers, and there was no provision of peripheral fence or screens along the footpath to the east of the site;

- (d) one public comment was received during the statutory publication period objecting to the application on the ground that operation of the applied use would generate noise and dust nuisance to nearby residents; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application for reasons as detailed in paragraphs 11.2 to 11.4 of the Paper. Whilst DEP did not support the application and there was local objection on grounds of environmental nuisances, there was no workshop proposed in the application and no open storage use within the “Village Type Development” zone portion of the site. The environmental impacts could be minimized by restricting the operation hours and the type of vehicles used as recommended in paragraphs 11.5(a) to (e) of the Paper. The technical concerns on the landscape proposals could be addressed through imposition of approval conditions as recommended in paragraphs 11.5(f) and (g) of the Paper. A shorter approval period of 2 years instead of 3 years was recommended so as to monitor the development on the site.

105. Members had no question on the application.

Deliberation Session

106. The Chairperson considered that the environmental concerns arising from the proposed development could be addressed by approval conditions as proposed.

107. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 2 years until 18.8.2008, on the terms of the application as submitted to the Town Planning Board and subject to the following conditions :

- (a) no open storage of generators at the south-western portion of the application site within the “Village Type Development” zone, as proposed by the applicant, should be carried out at any time during the planning approval period;
- (b) no night-time operation between 7 p.m. and 7 a.m. was allowed on the site during the planning approval period;
- (c) no operation on Sundays and public holidays was allowed on the site during the planning approval period;
- (d) no repairing, dismantling and workshop activities should be carried out on the site at any time during the planning approval period;
- (e) no heavy vehicles, i.e. over 24 tonnes, were allowed for the operation of the site at any time during the planning approval period;
- (f) 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 18.11.2006;
- (g) in relation to (f) 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 18.2.2007;
- (h) the implementation of the accepted drainage proposals within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 18.11.2006;
- (i) 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;

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

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

109. 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 a shorter approval period of 2 years and a shorter compliance period were granted so as to monitor the situation of the site and the fulfillment of approval conditions;
- (c) note the District Lands Officer/Yuen Long, Lands Department's comments that no structure was allowed to be erected without prior approval from his office. The lot owners concerned should apply for short term waiver (STW) if structure was to be erected. Should no STW application be received/approved, his office would consider taking appropriate lease enforcement action against the registered owners;
- (d) note the Assistant Commissioner for Transport/New Territories, Transport Department's comments that the land status of the road/path/track leading

to the site should be checked with the lands authority. The management and maintenance responsibilities of the same road/path/track should also be clarified and the relevant lands and maintenance authorities should be consulted accordingly;

- (e) note the Chief Highway Engineer/New Territories West, Highways Department's comments that his office did not maintain the vehicular access track from the site to Shan Ha Road;
- (f) follow the latest 'Code of Practice on Handling Environmental Aspects of Open Storage and Temporary Uses' issued by Environmental Protection Department; and
- (g) note the Chief Building Surveyor/New Territories West, Buildings Department's comments that all building works were subject to compliance with Buildings Ordinance (BO). Authorised Person should be appointed to coordinate all building works. The granting of planning approval should not be construed as an acceptance of the unauthorised structures on site under the BO. Enforcement action might be taken to effect the removal of all unauthorised works in the future.

Remarks

110. The Chairperson said that the remaining item in the Agenda would not be open for public viewing since it was in respect of an application submitted before the commencement of the Town Planning (Amendment) Ordinance 2004.

- (xiv) A/YL-NTM/178 Proposed Residential Development with Ancillary Recreational Facilities in "Comprehensive Development Area" zone, Lots 435(Part), 436(Part), 438, 439, 442 to 444, 445(Part), 446 to 454, 456(Part), 457(Part), 459, 460, 461(Part), 462(Part), 463(Part), 464(Part), 465 to 474, 476, 478 to 483, 484(Part), 485, 486(Part), 492 to 495(Part), 516 to 518, 520, 521(Part), 522(Part), 541(Part), 542(Part), 543 to 545, 547 to 552, 555, 556, 559, 560, 562, 563(Part), 564(Part), 572(Part), 573, 574, 575(Part) and 576(Part) and Adjoining Government Land in DD 105, Shek Wu Wai, Ngau Tam Mei, Yuen Long
(RNTPC Paper No. A/YL-NTM/178)
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111. The Secretary reported that the applicant was a subsidiary of Sun Hung Kai Properties Ltd. (SHKP) and Messrs. Alfred Donald Yap and Y.K. Cheng, having current business dealings with SHKP, had declared interests in this item. Dr. James C.W. Lau, having current business dealings with Ho Tin & Associates Consulting Engineers Ltd., which was one of the consultants for this application, also declared an interest in this item.

[Messrs. Alfred Donald Yap and Y.K. Cheng, and Dr. James C.W. Lau left the meeting at this point.]

112. Mr. Wilson W.S. Chan, STP/TMYL, stated the background to the application as detailed in the Paper. The applicant sought planning permission for a residential development with ancillary recreational facilities at the application site, which fell within an area zoned "Comprehensive Development Area" ("CDA") on the draft Ngau Tam Mei Outline Zoning Plan (OZP) No. S/YL-NTM/11. The proposed residential development comprised 322 houses of 3 storeys (including carport) and clubhouse facilities at a maximum height of 10.45m. The site was involved in five previously approved planning applications, all for low-rise, low-density residential developments submitted by the same applicant. The latest planning application (No. A/YL-NTM/61) was approved with conditions by the Town Planning Board on 31.3.2000 upon review. The planning permission expired on 31.3.2003.

113. Mr. Wilson W.S. Chan said that, in comparison with the latest approved scheme (No. A/YL-NTM/61), the current submission proposed changes mainly in the site area, site boundary, GFA and internal layout. Other major development parameters, including the plot ratio, number of storeys and total number of houses, remained unchanged.

114. Mr. Wilson W.S. Chan continued to say that the Director of Agriculture, Fisheries and Conservation (DAFC) raised concerns on the felling or transplanting of large trees which were in good form and condition, such as Tree Nos. 544 and 678. Although the applicant proposed compensatory planting of some 700 semi-mature trees, the loss of greenery due to the proposed development was still substantial.

115. According to the District Officer, the Chairman and Vice-Chairman of San Tin Rural Committee and Village Representatives (VRs) of Mai Po Tsuen (i.e. Mai Po Lo Wai and Mai Po San Tsuen) supported the application on conditions that the original access road to be maintained; a car park to be constructed for the use by grave sweepers; the proposed development to be setback from the grave areas by 60-70 feet to avoid disturbance to the environment and fung shui; the original access road to be smartened up and a new road to be constructed for the use of grave sweepers; and Taoist Mass(es) to be held to comfort the souls of the dead. However, the VRs of Wing Ping Tsuen (in San Tin) still maintained his previous objection and considered that no residential development should be applied within the burial grounds; the periphery of the burial grounds would be fenced-off by the residential development and hence obstructed the routes of escape in case of fire; and the proposed vehicular access would affect the fung shui of the burial ground areas.

116. Mr. Wilson W.S. Chan said that the proposed development was broadly in line with the planning intention of the "CDA" zone and conformed with the development parameters of plot ratio 0.4 and building height of 3 storeys as stipulated on the OZP. Comparing with the previous approved scheme No. A/YL-NTM/61, the proposed changes were considered minor and technical in nature. The proposed amendments would not have significant adverse impact on the traffic, environment and infrastructure of the area. In this regard, the Transport Department, Water Supplies Department, Drainage Services Department and Environmental Protection Department had no adverse comment on/objection to the application. Regarding DAFC's concerns, an approval condition was recommended in paragraph 9.3(e) of the Paper for the submission of a Landscape Master Plan, particularly

including proposals for preservation of the existing woodland on the site. For the local objection raised by the VRs of Wing Ping Tsuen, it was noted that Wing Ping Tsuen was far away from the site. The applicant had already revised the scheme to address the villagers' concerns by keeping the development site outside the existing grave areas, providing more tree planting buffers between the houses and the grave areas, and relocating the houses further away from the grave areas. Besides, appropriate approval conditions and advisory clauses were recommended to address their concerns. In view of above, the Planning Department had no objection to the application.

117. Members had the following questions:

- (a) whether it was possible to retain Tree Nos. 544 and 678, which were considered by DAFC in good form and condition;
- (b) would the proposed additional site areas as shown in yellow colour on Plan A-2 of the Paper be developed or retained as greenery area;
- (c) noting that the number of car parking spaces was proposed to be reduced from 643 to 469 (i.e. a decrease of 174 numbers), whether the car parking provision could satisfy the future residents' need;
- (d) whether the proposed increase in site coverage from 23% to not more than 30% would result in an undesirable development form; and
- (e) whether access roads were provided/retained for grave visitors.

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

- (a) Tree Nos. 544 and 678 might be able to be retained if they were located at the periphery of the proposed houses. In this regard, an approval condition was recommended regarding the submission of a Landscape Master Plan including tree preservation proposal and compensatory tree planting proposal;

- (b) the two additional areas in the east and south of the site were included in the Application Site but excluded from the Development Site, which would be designated as non-building areas/retained woodland. For the strip of land along the northern boundary of the site, the existing trees might be affected by the proposed access road. The current submission had proposed about 1,170 whip sized trees for landscaping and for screening purpose along the northern and southern boundaries from the burial grounds;
- (c) the number of car parking spaces proposed was based on the requirements stipulated in the Hong Kong Planning Standards and Guidelines with reference to the flat size. On this aspect, the Assistant Commissioner for Transport/New Territories, Transport Department had no objection;
- (d) compared with the approved scheme, the number of houses remained unchanged whereas the total domestic GFA was reduced by about 2,000m². The area for the swimming pool was proposed to be increased but the areas for tennis courts and clubhouse were decreased. It would be quite difficult to judge at this stage whether an increase in the site coverage to not more than 30% would make the overall development pattern better or worse; and
- (e) in the current proposal, the development site and the proposed access road for the development would not affect the grave areas. The existing graves and access roads to the graves would therefore be retained.

119. Noting DAFC's concerns on the felling and transplanting of large native trees, the Committee considered more should be done to preserve as many mature trees as possible. A Member pointed out that transplanting of large trees was not a feasible option and should be avoided as far as possible. Moreover, even the trees were to be retained on site, the applicant should be reminded to protect their root systems from potential damages due to site formation and building works. The Committee agreed that an advisory clause in this regard should be included to draw the applicant's attention to the Committee's concern on tree preservation.

120. After deliberation, the Committee decided to approve the Master Layout Plan (MLP) and the application, under sections 4A and 16 of the Town Planning Ordinance, on the terms of the application as submitted to the Town Planning Board. The permission should be valid until 18.8.2010, 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 a revised MLP, taking into account the burial ground boundaries, avoiding the existing graves, the re-provisioning of any affected accesses leading to the graves and approval conditions (d) to (g) below, to the satisfaction of the Director of Planning or of the Town Planning Board;
- (b) the submission of an implementation programme with phasing proposal to the satisfaction of the Director of Planning or of the Town Planning Board;
- (c) the submission of a Drainage Impact Assessment and the implementation of the flood mitigation measures/provision of drainage facilities identified therein to the satisfaction of the Director of Drainage Services or of the Town Planning Board;
- (d) the setting back of the development site of the site from the Northern Link (NOL) railway reserve;
- (e) the submission and implementation of a Landscape Master Plan, including a tree survey, proposals for preservation of the existing woodland on the site, tree felling, tree transplanting and compensatory tree planting proposals, management scheme and implementation programme, to the satisfaction of the Director of Planning or of the Town Planning Board;
- (f) the submission and implementation of the proposed section of Shek Wu Wai Road, and the access roads proposed and the access arrangement from San Tam Road to the site to the satisfaction of the Commissioner for Transport or of the Town Planning Board; and

- (g) the design and provision of emergency vehicular access, water supplies for fire fighting and fire service installations to the satisfaction of the Director of Fire Services or of the Town Planning Board.

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

- (a) note that the approved MLP, together with the set of approval conditions, would be certified by the Chairman of the Town Planning Board and deposited in the Land Registry in accordance with section 4A(3) of the Town Planning Ordinance. Efforts should be made to incorporate the relevant approval conditions into a revised MLP for deposition in the Land Registry as soon as practicable;
- (b) note the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD)'s comments that the applicant should clarify the areas of private land and Government land involved; keep the existing graves and burial grounds outside the site; re-provision and maintain the access to the graves; clarify if the maintenance responsibility of the Woodland Garden lied on the applicant and such responsibility would not be passed onto the subsequent owners; clarify the maintenance and management of the proposed access road; and demonstrate that the proposed works limit would not encroach upon the adjoining burial ground;
- (c) note the Chief Engineer/Mainland North, Drainage Services Department (DSD)'s comments that the applicant should consult relevant departments on the proposed connections if all proposed drainage connections to public drains were required for the development; note that the site was in an area where no public sewerage was maintained by DSD; consult DLO/YL, LandsD regarding all proposed drainage works outside the site in order to ensure unobstructed discharge from the site in future; construct and maintain all proposed drainage works at his own cost unless all proposed drainage works would be handed back to the Government; and note DSD's detailed comments on the revised Drainage Impact Assessment in Appendix III of the Paper;

- (d) note the comments of the Assistant Commissioner for Transport/New Territories, Transport Department and the Chief Highway Engineer/New Territories West, Highways Department that the Government would not take over the maintenance and management of the proposed access roads, including the short section of road connecting to Lot 2094 in DD 105;
- (e) note the Chief Engineer/Development(2), Water Supplies Department (WSD)'s comments that the existing water mains would be affected and the cost of any necessary diversion should be borne by the developer. In case it was not feasible to divert the affected water mains, a waterworks reserve within 1.5 metres from the centre line of the water main should be provided to WSD. No structure should be erected over this waterworks reserve and such area should not be used for storage purpose;
- (f) note that felling and transplanting of large native trees should be avoided as far as possible. For those trees to be retained on site, every effort should be made to protect their root systems from potential damages due to site formation and building works; and
- (g) note the local concerns and further liaise with the locals to address their concerns as far as possible.

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

Agenda Item 9

Any Other Business

122. There being no other business, the meeting was closed at 4:15 p.m.