

TOWN PLANNING BOARD

Minutes of 334th Meeting of the Rural and New Town Planning Committee held at 2:30 p.m. on 15.9.2006

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

Professor Peter R. Hills

Mr. Tony C.N. Kan

Dr. C.N. Ng

Mr. Alfred Donald Yap

Mr. Y.K. Cheng

Ms. Anna S.Y. Kwong

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

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

Assistant Director/New Territories, Lands Department
Ms. Eugina Fok

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

Secretary

Absent with Apologies

Dr. Lily Chiang

Professor David Dudgeon

Mr. Edmund K.H. Leung

Mr. B.W. Chan

Dr. James C.W. Lau

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

In Attendance

Assistant Director of Planning/Board
Mr. Lau Sing

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

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

Agenda Item 1

Confirmation of the Draft Minutes of the 333rd RNTPC Meeting held on 1.9.2006

[Open Meeting]

1. The draft minutes of the 333rd RNTPC meeting held on 1.9.2006 were confirmed without amendments.

Agenda Item 2

Matters Arising

[Open Meeting]

(a) Approval of Outline Zoning Plans

2. The Secretary reported that on 12.9.2006, the Chief Executive in Council approved two draft Outline Zoning Plans (OZPs) under section 9(1)(a) of the Town Planning Ordinance. They were the Ngau Tau Kok & Kowloon Bay and Ngong Ping OZPs. The approval of these OZPs would be notified in the Gazette on 22.9.2006.

(b) Town Planning Appeal Received

Town Planning Appeal No. 16 of 2006 (16/06)
Proposed Temporary Public Vehicle Park (Private Cars and Lorries)
for a Period of 3 Years in “Green Belt” and
“Village Type Development” zones,
Lots 246RP, 247, 248, 249, 250BRP(Part), 276BRP, 277BRP(Part),
279BRP(Part), 286, 287(Part), 288, 289, 290, 291, 292, 293 and
294(Part) in DD 99, Lok Ma Chau Road, San Tin, Yuen Long
(Application No. A/YL-ST/301)

3. The Secretary reported that an appeal against the decision of the Town Planning Board (TPB) to reject on review an application for a proposed temporary public vehicle park (private cars and lorries) for a period of 3 years was received by the Town Planning Appeal Board (TPAB) on 29.8.2006. The subject site was zoned “Green Belt” (“GB”) and “Village Type Development” on the draft San Tin Outline Zoning Plan No. S/YL-ST/7. The application was rejected by the TPB on 11.8.2006 on the grounds that the development was

not in line with the planning intention of the “GB” zone and there was insufficient information in the submission to demonstrate that the development would not have adverse drainage, traffic and landscape impacts on the surrounding areas. The hearing date of the appeal was yet to be fixed.

(c) Appeal Statistics

4. The Secretary said that as at 15.9.2006, a total of 31 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	:	31
Decision Outstanding	:	1
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Total	:	251

[Messrs. Y.K. Cheng and Y.M. Lee arrived to join the meeting at this point.]

Sha Tin, Tai Po and North District

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

Agenda Item 3

Section 16 Applications

[Open Meeting (Presentation and Question Session only)]

- (i) A/NE-HLH/10 Proposed House (New Territories Exempted House (NTEH) – Small House)
in “Agriculture” and “Village Type Development” zones,
Lot 331A in DD 83, Siu Hang San Tsuen,
Hung Lung Hang, Fanling
(RNTPC Paper No. A/NE-HLH/10)
-

Presentation and Question Session

5. Dr. Kenneth S.S. Tang, 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 – no objection from concerned Government departments was received;
- (d) one public comment was received during the statutory publication period raising objection to the application on ‘fung-shui’ grounds; 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. Regarding the local objection to the application, it was considered that ‘fung-shui’ was not a relevant planning consideration. The applicant would be advised to discuss with the villagers of Siu Hang Tsuen on ‘fung-shui’ matters.

6. Members had no question on the application.

Deliberation Session

7. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 15.9.2010, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

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

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

- (a) note 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. The applicant should also 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 private water mains 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; and
 - (iii) the application site was within WSD's flood pumping gathering grounds associated with River Indus and River Ganges pumping stations;
- (b) avoid disturbance to the trees in the vicinity of the application site as far as practicable; and
- (c) discuss with the villagers of Siu Hang Tsuen on 'fung-shui' matters.

[Open Meeting (Presentation and Question Session only)]

- (ii) A/NE-LYT/339 Proposed Temporary Open Storage of Construction Materials, Machinery, Metals, Gardening Tools, Flowers, Second-hand Vehicle Parts and Road Repair Machineries for a Period of 3 Years in “Agriculture” zone, Lots 1470B1RP and 1472A in DD 83, Lung Yeuk Tau, Fanling
(RNTPC Paper No. A/NE-LYT/339)
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Presentation and Question Session

9. Dr. Kenneth S.S. Tang, STP/STN, 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 construction materials, machinery, metals, gardening tools, flowers, second-hand vehicle parts and road repair machineries 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. One commenter stated that traffic conditions, environmental protection, drainage problem and impacts on local residents should be monitored by the departments concerned. The other commenter objected to the application on road safety and drainage problem grounds; and
- (e) the Planning Department (PlanD)’s views – PlanD did not support the application for reasons as detailed in paragraphs 11.2 and 11.3 of the Paper. The proposed development did not comply with the Town Planning Board (TPB) Guidelines No. 13D for ‘Application for Open Storage and Port Back-up Uses’. There was insufficient information in the submission to

demonstrate that the application would not have adverse drainage, traffic and environmental impacts on the surrounding areas. In this regard, DEP did not support the application and the Assistant Commissioner for Transport/New Territories, Transport Department had concern on the substandard access road to the site.

10. Members had no question on the application.

Deliberation Session

11. The Chairperson remarked that the application was not in line with the relevant TPB Guidelines and adverse comments were received from concerned Government departments.

12. After deliberation, the Committee decided to reject the application and the reason was that the development was not in line with Town Planning Board Guidelines for ‘Application for Open Storage and Port Back-up Uses’ (TPB PG-No.13D) in that there was no previous approval given for the application site. There were adverse departmental comments and local concerns on the application. There was no technical submission to demonstrate that the uses under application would not have adverse drainage, traffic and environmental impacts on the sensitive receivers in the surrounding areas.

[Open Meeting (Presentation and Question Session only)]

- (iii) A/NE-KTN/119 Temporary Vehicle Assembly and Repair Workshop
for a Period of 3 Years
in “Industrial (Group D)” zone and an area shown as ‘Road’,
Government Land, 29 Ma Tso Lung Road,
Kwu Tung North, Sheung Shui
(RNTPC Paper No. A/NE-KTN/119)
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Presentation and Question Session

13. Dr. Kenneth S.S. Tang, STP/STN, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the temporary vehicle assembly and repair workshop for a period of 3 years;
- (c) departmental comments – the Director of Environmental Protection (DEP) did not support the application as there were sensitive uses in the vicinity of the site and access road and environmental nuisance was expected;
- (d) no public comment was received during the statutory publication period. The District Officer advised that the Village Representatives of Kwu Tung had no adverse comment on the application but were concerned about environmental nuisance in the vicinity; 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. The vehicle assembly and repair workshop was not incompatible with the surrounding land uses which were predominantly open storage yards, warehouse and workshops. There was a previous approved application (No. A/NE-KTN/103) for the same use submitted by the applicant. All of the approval conditions had been complied with. Regarding DEP's objection and local concerns on environmental nuisance in the vicinity, the applicant would be advised to adopt relevant mitigation measures to minimize any possible environmental impacts should the application be approved.

14. Members had no question on the application.

Deliberation Session

15. The Chairperson said that the current application was for continuation of the planning approval for the same use. There was no change in planning circumstances since the approval of the previous application.

16. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years up to 15.9.2009, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) the existing trees on the site should be maintained at all times during the planning approval period;
- (b) the drainage facilities on the application site should be properly maintained at all times during the planning approval period;
- (c) the existing access arrangement should be maintained at all times during the planning approval period;
- (d) the submission of proposals on fire service installations and fire fighting water supplies within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 15.3.2007;
- (e) in relation to (d) above, the provision of fire service installations and fire fighting water supplies within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 15.6.2007;
- (f) the submission of landscaping proposals within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 15.3.2007;
- (g) in relation to (f) above, the implementation of landscaping proposals within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 15.6.2007;
- (h) if any of the above planning conditions (a), (b) or (c) was not complied with during the approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice; and

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

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

- (a) apply to the District Lands Officer/Yuen Long, Lands Department for modification of the Short Term Tenancy conditions to regularize the existing and proposed structures;
- (b) follow the environmental mitigation measures as recommended in the 'Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites' in order to minimize the potential environmental impacts on the adjacent area; and
- (c) note the comments of the Chief Building Surveyor/New Territories West, Buildings Department that:
 - (i) any unauthorized building works carried out on the site were subject to enforcement action under section 24 of the Buildings Ordinance (BO);
 - (ii) formal submission by an authorized person for the proposed development was required under the BO, and if the site did not abut on a street of not less than 4.5m wide, the development intensity of the site should be determined under Building (Planning) Regulation (B(P)R) 19(3) at the building plan submission stage; and
 - (iii) the applicant's attention was drawn to B(P)R 41D on the provision of emergency vehicular access to the proposed development.

[Open Meeting (Presentation and Question Session only)]

- (iv) A/NE-KTS/234 Proposed House (New Territories Exempted House (NTEH) – Small House)
in “Agriculture” and “Village Type Development” zones,
Lots 3341E and 3346C in DD 91
and Adjoining Government Land,
Lin Tong Mei, Sheung Shui
(RNTPC Paper No. A/NE-KTS/234)
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Presentation and Question Session

18. Dr. Kenneth S.S. Tang, 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 did not favour the application as the part of the site within the “Agriculture” zone was graded as ‘good’ agricultural land which could be maintained for agricultural uses;
- (d) one public comment was received during the statutory publication period stating that relevant departments should consider the provision of fire emergency access, vehicular access and drainage and sewerage facilities for the application site. The District Officer advised that the Village Representatives of Lin Tong Mei had no adverse comment on the application but were concerned about the traffic flow and drainage system in the vicinity; 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. The proposed development complied with the interim criteria for assessing planning application for NTEH/Small House development, and was

compatible with the residential character of the surrounding areas and would unlikely cause any adverse environmental, traffic and drainage impacts. As for the public comment and local concerns on fire emergency access, drainage, sewerage and vehicular access aspects of the proposed development, relevant Government departments, including Fire Services Department, Drainage Services Department, Environmental Protection Department and Transport Department, had no objection to the application.

19. Members had no question on the application.

Deliberation Session

20. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 15.9.2010, 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 drainage proposals to the satisfaction of the Director of Drainage Services or of the TPB;
- (b) the submission and implementation of fire fighting access, water supplies and fire service installations proposals to the satisfaction of the Director of Fire Services or of the TPB; and
- (c) the submission and implementation of landscaping proposals to the satisfaction of the Director of Planning or of the TPB.

21. The Committee also agreed to advise the applicant 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, and 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; and

(b) note that filling of land in "Agriculture" zone for construction of access road for the proposed Small House required planning permission from the TPB.

[Open Meeting (Presentation and Question Session only)]

(v) A/NE-KTS/235 Proposed 5 Houses
(New Territories Exempted Houses (NTEHs))
in "Agriculture" and "Village Type Development" zones,
Lot 1428RP in DD 100,
Chan Uk Po, Sheung Shui
(RNTPC Paper No. A/NE-KTS/235)

Presentation and Question Session

22. Dr. Kenneth S.S. Tang, STP/STN, presented the application and covered the following aspects as detailed in the Paper :

(a) background to the application;

(b) the proposed 5 houses (NTEHs);

- (c) departmental comments – the District Lands Officer/North, Lands Department (DLO/N, LandsD) objected to the proposed development because under the New Territories Small House Policy, only Small House applications from individual indigenous villagers of the village or others from the same Heung would be accepted within the village ‘environs’ (‘VE’) boundary. The Director of Agriculture, Fisheries and Conservation did not favour the application as the site was graded as ‘good’ agricultural land. Agricultural activities in the vicinity of the site were active and potential of the site for agricultural rehabilitation was high. The Assistant Commissioner for Transport/New Territories, Transport Department considered that NTEH development should be confined within the “Village Type Development” (“V”) zone as far as possible where the necessary traffic and transport facilities had been planned and provided;
- (d) one public comment was received during the statutory publication period raising objection to the application on grounds of against the planning intention of “V” zone; ecological impact on the surrounding areas; lack of essential facilities such as public road, fire emergency access and sewerage; and pollution problem to the nearby environment. The District Officer also received one objection to the application on the grounds of adverse impacts on flooding, drainage and traffic in the vicinity; and
- (e) the Planning Department (PlanD)’s views – PlanD did not support the application for reasons as detailed in paragraphs 10.1 and 10.2 of the Paper. In particular, the proposed development was not in line with the planning intention of the “Agriculture” (“AGR”) zone. There was not sufficient information to demonstrate that the proposed development was to meet the housing need of the indigenous villagers.

23. Referring to paragraph 1.3 of the Paper, a Member enquired whether the applicant was eligible to apply for ‘House’ use as, according to the Notes of the Outline Zoning Plan, ‘House’ under Column 2 of the “AGR” zone was confined to NTEH only. Mr. W.K. Hui, DPO/STN, said that planning permission for the proposed NTEH development was required as a major portion of the site fell within the “AGR” zone where ‘House’ was a

Column 2 use. However, as the application site was entirely within the ‘VE’ of Chan Uk Po Village, DLO/N, LandsD objected to the application in accordance with the prevailing New Territories Small House Policy as the applicant was a limited company but not an indigenous villager. In response to this Member’s follow-up question, Mr. Hui said that if the proposed houses entirely fell within the “V” zone, planning permission would not be required and then it would be up to the DLO/N, LandsD’s decision to process the application under the Small House Policy.

Deliberation Session

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

- (a) the use under application was not in line with the planning intention of the “Agriculture” zone for the area which was primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes, and to retain fallow arable land with good potential for rehabilitation. There was no strong justification in the submission for a departure from the planning intention; and
- (b) the approval of the application would set an undesirable precedent for similar applications in the future, resulting in further encroachment on good agricultural land and substantial cumulative adverse traffic impact in the area.

[Open Meeting (Presentation and Question Session only)]

- (vi) A/NE-LT/363 Proposed Public Utility Installation (Electricity Package Transformer) in “Agriculture” zone, Government Land in DD 19, Tong Min Tsuen, Lam Tsuen, Tai Po
(RNTPC Paper No. A/NE-LT/363)
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Presentation and Question Session

25. Dr. Kenneth S.S. Tang, STP/STN, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed public utility installation (electricity package transformer);
- (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 10.1 of the Paper.

26. Members had no question on the application.

Deliberation Session

27. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 15.9.2010, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

- (a) the submission and implementation of landscaping proposals to the satisfaction of the Director of Planning or of the TPB;
- (b) the provision of protective measures to ensure no pollution to the water gathering grounds to the satisfaction of the Director of Water Supplies or of the TPB; and

- (c) the submission and implementation of drainage facilities to the satisfaction of the Director of Drainage Services or of the TPB.

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

- (a) strictly comply with the ‘Conditions for Working within Gathering Grounds’ in Appendix II of the Paper;
- (b) note that formal submission by an authorized person for the proposed development was required under the Buildings Ordinance; and
- (c) apply to the District Lands Officer/Tai Po, Lands Department for the land grant.

[Open Meeting (Presentation and Question Session only)]

- (vii) A/NE-TK/214 Proposed House
(New Territories Exempted House (NTEH) – Small House)
in “Green Belt” zone,
Lot 297A1 in DD 26, Chim Uk Village,
Shuen Wan, Tai Po
(RNTPC Paper No. A/NE-TK/214)

- (viii) A/NE-TK/215 Proposed House
(New Territories Exempted House (NTEH) – Small House)
in “Green Belt” zone,
Lot 297A5 in DD 26, Chim Uk Village,
Shuen Wan, Tai Po
(RNTPC Paper No. A/NE-TK/215)

- (ix) A/NE-TK/216 Proposed House
(New Territories Exempted House (NTEH) – Small House)
in “Green Belt” zone,
Lot 297A6 in DD 26, Chim Uk Village,
Shuen Wan, Tai Po
(RNTPC Paper No. A/NE-TK/216)
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Presentation and Question Session

29. Noting that Applications No. A/NE-TK/214, 215 and 216 were similar in nature and the application sites were located in close proximity of each other, the Committee agreed to consider the three applications together.

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

30. Dr. Kenneth S.S. Tang, STP/STN, presented the three 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 District Lands Officer/Tai Po, Lands Department (DLO/TP, LandsD) objected to the three applications as the proposed Small Houses were not within any village ‘environs’ (‘VE’);
- (d) four public comments were received during the statutory publication period. One of the commenters expressed full support to the applications while the other three objected to the applications on grounds of against the planning intention of “Green Belt” (“GB”) zone, adverse impact on the area, availability of land in the vicinity for house development and undesirable precedent for other similar applications; and
- (e) the Planning Department (PlanD)’s views – PlanD did not support the applications for reasons as detailed in paragraphs 12.1 and 12.2 of the

Papers. In particular, the proposed NTEHs (Small Houses) were not in line with the planning intention of the “GB” zoning for the area. The proposed houses fell outside both the ‘VE’ and the “Village Type Development” zone. In this regard, the DLO/TP, LandsD objected to the applications.

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

31. A Member noted that the application sites, which were zoned “GB”, had already been paved and covered with sand and gravels, and were being used as a car parking area. In response to this Member’s question, Mr. W.K. Hui, DPO/STN, said that no planning permission was granted for the car parking use. Noting that this Member had concern on the use of the “GB” site for car parking without planning permission, the Secretary said that the matter would be referred to the Central Enforcement and Prosecution Section of PlanD for investigation.

Deliberation Session

32. After deliberation, the Committee decided to reject the three applications and the reasons were :

- (a) the proposed NTEH (Small House) was not in line with the planning intention of the “Green Belt” (“GB”) zoning for the area which was to define the limits of urban development areas by natural physical features so as to contain urban sprawl and to provide passive recreational outlets. There was a general presumption against development within this zone. There was no strong justification in the submission for a departure from the planning intention;
- (b) the proposed NTEH (Small House) did not comply with the interim criteria for consideration of application for NTEH/Small House in the New Territories in that the application site and the proposed house were located outside both the village ‘environs’ and the “Village Type Development” zone of a recognized village; and

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

[Open Meeting (Presentation and Question Session only)]

- (x) A/NE-TK/217 Proposed 2 Houses (New Territories Exempted Houses (NTEHs) – Small Houses)
in “Green Belt” and “Village Type Development” zones,
Lots 766G1, 766GRP, 766V and 766W in DD 28,
Tai Mei Tuk Village, Ting Kok, Tai Po
(RNTPC Paper No. A/NE-TK/217)
-

Presentation and Question Session

33. Dr. Kenneth S.S. Tang, STP/STN, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed 2 Houses (NTEHs – Small Houses);
- (c) departmental comments – the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) objected to the application as the proposed development was against the planning intention of the “Green Belt” zone. It would set an undesirable precedent for similar applications in the area, which might have potential adverse impact on the wooded hillside landscape;
- (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 paragraphs 12.1 and 12.2 of the Paper. The CTP/UD&L, PlanD's concerns on potential adverse impact on the wooded hillside landscape of the area could be addressed by imposing an approval condition as recommended in paragraph 12.3(a) of the Paper.

34. Members had no question on the application.

Deliberation Session

35. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 15.9.2010, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

- (a) the submission and implementation of landscaping proposals to the satisfaction of the Director of Planning or of the TPB;
- (b) the submission of a drainage impact assessment and implementation of measures to mitigate any adverse effects that might arise to the satisfaction of the Director of Drainage Services or of the TPB; and
- (c) the provision of fire fighting access, water supplies and fire service installations to the satisfaction of the Director of Fire Services or of the TPB.

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

- (a) note that he might need to extend his inside services to the nearest Government water mains for connection, and to resolve the land matters associated with the provision of water supply and should be responsible for the construction, operation and maintenance of the inside services within the private lots to the Water Supplies Department's standards;

- (b) make submission to the Buildings Department in accordance with the provisions of the Buildings Ordinance during the development stage; and
- (c) consult the Environmental Protection Department regarding the sewage treatment/disposal method for the proposed development.

[Open Meeting (Presentation and Question Session only)]

- (xi) A/TP/378 Proposed House (New Territories Exempted House (NTEH) – Small House)
in “Village Type Development”, “Comprehensive Development Area (1)” and “Green Belt” zones,
Lot 208B3 in DD 11, Lau Hang Village,
Fung Yuen, Tai Po
(RNTPC Paper No. A/TP/378)
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Presentation and Question Session

[Ms. Eugina Fok arrived to join the meeting at this point.]

37. Dr. Kenneth S.S. Tang, 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 – 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 paragraphs 12.1 and 12.2 of the Paper.

38. A Member noted that PlanD had no objection to the current application for the reasons, inter alias, that there was a shortage of land within the “Village Type Development” (“V”) zone in meeting the Small House demand of Fung Yuen Village, based on the latest estimation provided by the District Lands Officer/Tai Po, Lands Department (DLO/TP, LandsD). However, the previous application (No. A/TP/341) for the same use submitted by the same applicant was rejected by the Town Planning Board on review on 22.4.2005 and one of the grounds of rejection was that land was available within the “V” zone for Small House development. This Member wondered why there was a significant change in the Small House demand within a short period of time. Ms. Eugina Fok, Assistant Director/New Territories, LandsD, said that the figures on Small House demand were obtained from respective Village Representatives (VRs) on a periodic basis. The figures were subject to change in view of changes in the population of indigenous villagers and feedback from overseas indigenous villagers.

Deliberation Session

39. Another Member was concerned about whether there was any mechanism to verify the number of eligible indigenous villagers submitted by VRs since it would have implication on the demand of land to meet the Small House development. Ms. Eugina Fok said that LandsD had kept record on the number of indigenous villagers provided by VRs, and their eligibility for Small House grant would be verified when they submitted applications under Small House Policy.

40. In response to a Member’s query, the Secretary said that in considering the previous rejected application (No. A/TP/341), DLO/TP, LandsD advised that the outstanding Small House applications and the 10-year Small House demand forecast for Fung Yuen Village were 45 and 45 respectively, giving a total demand of 90 Small House sites. These figures had been updated by DLO/TP, LandsD in commenting on the Town Planning appeal submitted against the rejection of the application. The updated figures for the outstanding applications and the 10-year demand forecast were 35 and 100 respectively, i.e. a total demand of 135 sites. Based on the updated estimation, there would be a shortage of land to meet the future Small House demand. In this connection, the applicant was advised to submit a new application for the proposed Small House development.

41. Members generally agreed that the estimation of Small House demand was one of the determining factors in considering the applications for Small House development, and requested the Secretariat of Town Planning Board to liaise with LandsD on the provision of updated figures. Ms. Eugina Fok suggested that for consistency, the updating could be carried out on an annual basis at a specified date covering all the indigenous villages. Members agreed to this arrangement.

42. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 15.9.2010, 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, including tree preservation proposal, to the satisfaction of the Director of Planning or of the TPB;
- (b) the submission and implementation of drainage facilities to the satisfaction of the Director of Drainage Services or of the TPB; and
- (c) the provision of fire fighting access, water supplies and fire service installations to the satisfaction of the Director of Fire Services or of the TPB.

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

- (a) note that he might need to extend his inside services to the nearest Government water mains for connection, and to resolve the land matters associated with the provision of water supply and should be responsible for the construction, operation and maintenance of the inside services within the private lots to Water Supplies Department's standards;

- (b) observe the 'Code of Practice on Working near Electricity Supply Lines' when carrying out works in the vicinity of electricity supply lines. Prior to establishing any structure in the vicinity of the overhead lines, the applicant should consult CLP Power Hong Kong Ltd. (CLPP) and, if necessary, ask CLPP to divert the overhead lines away from the vicinity of the proposed house;
- (c) note that water mains in the vicinity of the application site could not provide the standard fire fighting flow;
- (d) submit a site formation plan to the Buildings Department in accordance with the provisions of the Buildings Ordinance; and
- (e) consult the Environmental Protection Department regarding the sewage treatment/disposal method for the proposed development.

[Open Meeting (Presentation and Question Session only)]

- (xii) A/NE-TKL/288 Temporary Storage of Metal, Construction Materials, Tools and Containers (for Office and Storage Uses) for a Period of 3 Years in "Agriculture" zone, Lot 1261A(Part) in DD 79, Ta Kwu Ling
(RNTPC Paper No. A/NE-TKL/288)
-

Presentation and Question Session

44. Dr. Kenneth S.S. Tang, STP/STN, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the temporary storage of metal, construction materials, tools and containers (for office and storage uses) for a period of 3 years;

- (c) departmental comments – the Director of Agriculture, Fisheries and Conservation (DAFC) did not favour the application as agricultural activities in the vicinity of the application site were active and the potential of the site for agricultural rehabilitation was high. The Director of Environmental Protection (DEP) did not support the application as there were sensitive uses in the vicinity of the application site and environmental nuisance was expected. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had reservation on the application as the proposed uses were not compatible with the surrounding landscape character and disturbance or adverse landscape impact on the existing natural environment was anticipated;
- (d) no public comment was received during the statutory publication period. The District Officer advised that two local objections were received mainly on the grounds of traffic generated and the associated traffic noise; 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 development did not comply with the Town Planning Board Guidelines No. 13D for 'Application for Open Storage and Port Back-up Uses'. It was not compatible with the surrounding areas which were rural in nature. The applied use might generate traffic of heavy vehicles and causing environmental nuisances to the nearby sensitive receivers. DAFC, DEP and CTP/UD&L, PlanD had objection to/reservation on the application.

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

45. Members had no question on the application.

Deliberation Session

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

- (a) the application site fell within an area zoned “Agriculture” (“AGR”). The planning intention of the “AGR” zone was to retain and safeguard agricultural land for agricultural purposes and to retain fallow arable land with good potential for rehabilitation. No strong justification had been provided for a departure from the planning intention; and
- (b) the development did not comply with the Town Planning Board Guidelines for ‘Application for Open Storage and Port Back-up Uses’ in that no previous planning approval had been granted to the application site, no information had been submitted to demonstrate that the proposed use would not generate adverse traffic, drainage and environmental impacts on the surrounding areas, and there were objections from concerned Government departments.

[The Chairperson thanked Mr. W.K. Hui, DPO/STN, and Dr. Kenneth S.S. Tang, STP/STN, for their attendance to answer Members’ enquiries. Mr. Hui and Dr. Tang 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. Frederick S.T. Ng, Senior Town Planner/Tuen Mun and Yuen Long (STP/TMYL), were invited to the meeting at this point.]

Agenda Item 4

Section 16 Applications

[Open Meeting (Presentation and Question Session only)]

- (i) A/YL-HT/460 Temporary Goods Vehicles Repair Workshop for a Period of 3 Years in “Recreation” zone, Lots 1489RP(Part), 1491RP(Part), 1492RP(Part), 1493(Part) and 1501RP(Part) in DD 125 and Adjoining Government Land, Ha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-HT/460)
-

Presentation and Question Session

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

- (a) background to the application;
- (b) the temporary goods vehicles repair workshop for a period of 3 years;
- (c) departmental comments – the Director of Environmental Protection (DEP) did not support the application as there were sensitive uses in the vicinity of the site and/or access road 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 11.1 of the Paper. Regarding DEP’s concern on the environmental nuisance to sensitive receivers, it could be addressed by imposing approval conditions as recommended in paragraphs 11.2 (a) and (b) of the Paper.

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

48. A Member noted that a residential dwelling and many open storage uses without planning permission were found in the vicinity of the site, and queried why the current

application was considered not incompatible with the surrounding land uses. Mr. Wilson Y.L. So, DPO/TMYL, said that those sites along San Wai Road had been used for open storage uses for a long time. While some of them were unauthorised developments, some had obtained planning approvals. The Committee had been adopting a pragmatic approach in considering applications along San Wai Road in this area. Favourable consideration would be given to the applications subject to no adverse departmental comments and local objections, or the concerns of the departments and local residents could be addressed through the implementation of approval conditions. Mr. Wilson Y.L. So further said that, for the current application, the proposed use would unlikely cause any significant adverse environmental, drainage, traffic and other impacts on the surrounding areas, and approval conditions were recommended to minimize possible environmental nuisance.

Deliberation Session

49. Mr. H.M. Wong, Principal Environmental Protection Officer (Strategic Assessment), Environmental Protection Department, enquired whether the approval of the current application would set precedent for future similar cases. Mr. Wilson Y.L. So said that there were in fact other goods vehicles repair workshops in the area, which were ancillary facilities to other approved port back-up uses and larger in scale in comparison with the one under the current application.

50. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 15.9.2009, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no night-time operation from 11:00 p.m. to 7:00 a.m. was allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays was allowed on the site during the planning approval period;
- (c) the submission of landscape proposals within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 15.3.2007;

- (d) in relation to (c) above, the implementation of landscape proposals within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 15.6.2007;
- (e) the submission of drainage proposals within 6 months from the date of the planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 15.3.2007;
- (f) in relation to (e) above, the implementation of drainage proposals within 9 months from the date of the planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 15.6.2007;
- (g) if any of the above planning conditions (a) or (b) was not complied with during the approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (h) if any of the above planning conditions (c), (d), (e) or (f) was not complied with by the above specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice;
and
- (i) upon expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the TPB.

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

- (a) resolve any land issues relating to the development with the concerned owner(s) of the application site;
- (b) apply to District Lands Officer/Yuen Long (DLO/YL) for Short Term Tenancy (STT) for occupation of Government Land and Short Term Wavier (STW) for erection of structure on the site. Should no STT or

STW application be received/approved and the irregularities persist on site, his Office would consider taking appropriate lease enforcement/control action against the registered owner/occupier;

- (c) follow the environmental mitigation measures as recommended in the 'Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites' in order to minimize the potential environmental impacts on the adjacent area;
- (d) note the comments of the Assistant Commissioner for Transport/New Territories, Transport Department that the land status and management/maintenance responsibilities of the access road leading to the site should be clarified and the relevant lands/maintenance authorities should be consulted;
- (e) note the comments of the Chief Highway Engineer/ New Territories West, Highways Department that his Office did not maintain San Wai Road; and
- (f) note the comments of the Chief Building Surveyor/New Territories West, Buildings Department that all building works were subject to compliance with the Buildings Ordinance. Authorized Person 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 Buildings Ordinance. Enforcement action might be taken to effect the removal of all unauthorized works in the future.

[Open Meeting (Presentation and Question Session only)]

- (ii) A/YL-HT/461 Temporary Open Storage of Used Electrical Appliances and Metal Wares for a Period of 3 Years in “Comprehensive Development Area” zone, Lots 721(Part), 731(Part), 732(Part), 733(Part), 734(Part), 735(Part), 736(Part), 737(Part), 754(Part), 755(Part), 756(Part) and 757(Part) in DD 125, Ha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-HT/461)
-

Presentation and Question Session

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

- (a) background to the application;
- (b) the temporary open storage of used electrical appliances and metal wares for a period of 3 years;
- (c) departmental comments – the Director of Environmental Protection (DEP) did not support the application as the applied use might cause operational and traffic noise nuisance to the sensitive receivers in the vicinity. Any breakage of cathode-ray tubes during loading/unloading/piling might cause soil and water pollution. The applied use was not compatible with the land uses in this part of Ha Tsuen which was predominantly zoned “Comprehensive Development Area”, “Village Type Development”, “Residential (Group D)”, “Green Belt” and “Recreation”. The Director of Agriculture, Fisheries and Conservation did not favour the application as the site and its adjacent livestock structures could be rehabilitated for agricultural purposes;
- (d) two public comments were received during the statutory publication period raising objection to the application on the grounds of potential soil contamination and air pollution from the storage of used electrical

appliances including electronic wastes, and that the land owner had not agreed to give his consent to any party to make the application; 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. DEP had objection to the application mainly on environmental nuisance and environmental pollution grounds. There was not sufficient information to demonstrate that the proposed development would not cause adverse environmental and drainage impacts on the surrounding areas. There were local objections against the application with one raised by the land owners of part of the application site.

53. Members had no question on the application.

Deliberation Session

54. 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 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 cause any adverse environmental and drainage impacts on the surrounding areas.

[Open Meeting (Presentation and Question Session only)]

- (iii) A/YL-KTN/255 Temporary Container Tractor/Trailer Park and Repair Yard for a Period of 3 Years in "Other Specified Uses" annotated "Railway Reserve" and "Industrial (Group D)" zones, Lots 422A, 422B, 433A, 434, 435, 1736A1 and 1736C2 in DD 107, Mo Fan Heung, Yuen Long
(RNTPC Paper No. A/YL-KTN/255)
-

Presentation and Question Session

55. Mr. Frederick S.T. Ng, STP/TMYL, informed that paragraph 8.1(a) of the Paper

should read as “accessible via a local access leading from San Tam Road at a distance of about 60m to its west” instead of 600m. He then presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the temporary container tractor/trailer park and repair yard for a period of 3 years;
- (c) departmental comments – the Assistant Commissioner for Transport/New Territories, Transport Department did not support the application as the location of the proposed ingress/egress was not safe and inadequate for turning by long vehicles. The proposed track between the site and San Tam Road would pass through private land of other land owners. Proper management and maintenance of the site could not be guaranteed. The Chief Highway Engineer/New Territories West, Highways Department advised that there was an objection from the owner of Lot 430A and 430B in DD 107 for using his private lot as the access for the application. 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 Engineer/Mainland North, Drainage Services Department considered that there was insufficient information in the submission to demonstrate that the development would not generate adverse drainage impacts on the surrounding areas;
- (d) three public comments were received during the statutory publication period raising objection to the application on the grounds of using private land as access for heavy vehicles without land owner’s consent, and adverse traffic, environmental (noise and air) and ecological impacts caused by container vehicles and vehicle repairing work. The District Officer conveyed a local objection to the Committee which was included as one of the public comments; 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 application did not comply with the Town Planning Board Guidelines No. 13D for 'Application for Open Storage and Port Back-up Uses'. There was insufficient information in the submission to demonstrate that the development would not generate adverse environmental, traffic and drainage impacts on the surrounding areas.

56. Members had no question on the application.

Deliberation Session

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

- (a) the application did not comply with the Town Planning Board Guidelines for 'Application for Open Storage and Port Back-up Uses' in that the development was incompatible with the surrounding rural land uses with residential dwelling and cultivated agricultural land and there were adverse departmental comments on the application; and
- (b) there was insufficient information in the submission to demonstrate that the development would not generate adverse traffic, environmental and drainage impacts on the surrounding areas.

[Open Meeting (Presentation and Question Session only)]

- (iv) A/YL-KTN/256 Proposed Temporary Open Storage (Plant Nursery Materials, Tools and Equipment) for a Period of 2 Years in "Undetermined" zone, Lot 1560(Part) in DD 107, Kam Tin, Yuen Long
(RNTPC Paper No. A/YL-KTN/256)
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Presentation and Question Session

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

- (a) background to the application;
- (b) the proposed temporary open storage (plant nursery materials, tools and equipment) for a period of 2 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. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) objected to the application as the proposed use was considered incompatible with the surrounding rural landscape and it would further degrade the existing landscape quality of the area. The Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) considered the drainage proposals submitted not satisfactory. The Director of Agriculture, Fisheries and Conservation (DAFC) considered that the proposed use was quite different from the previous approved application (No. A/YL-KTN/95) which was for the purpose of plant nursery and he had reservation on the application;
- (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 application did not comply with the Town Planning Board Guidelines No. 13D for 'Application for Open Storage and Port Back-up Uses'. The development was considered incompatible with the surrounding rural land uses mainly with ponds and agricultural land. There were adverse comments from DEP, CTP/UD&L, PlanD, CE/MN, DSD and DAFC on the application.

59. Members had no question on the application.

Deliberation Session

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

- (a) the application did not comply with the Town Planning Board Guidelines for ‘Application for Open Storage and Port Back-up Uses’ in that the development was incompatible with the surrounding rural land uses with mainly ponds and agricultural land and there were adverse departmental comments on the application; and
- (b) there was insufficient information in the submission to demonstrate that the development would not generate adverse environmental, drainage and landscape impacts on the surrounding areas.

[Open Meeting (Presentation and Question Session only)]

- (v) A/YL-MP/153 Proposed Temporary Restaurant for a Period of 3 Years in “Open Space” zone, Lots 5, 6, 7, 8RP, 9RP and 10 in DD 101, Mai Po, Yuen Long
(RNTPC Paper No. A/YL-MP/153)
-

Presentation and Question Session

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

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

- (c) departmental comments – no objection from concerned Government departments was received;
- (d) four public comments were received during the statutory publication period raising objection against the application mainly on environmental, traffic, drainage, sewage disposal and residents’ safety grounds. Also, it was unfair for the local residents to bear the maintenance cost of Palm Springs Boulevard as a result of the damage made by the vehicular traffic; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application for reasons as detailed in paragraphs 12.1 and 12.2 of the Paper. Given the temporary nature of the proposed development and there was no imminent open space development programme on the site, the long-term planning intention of the “Open Space” zone would not be affected. Concerned Government departments, including Leisure and Cultural Services Department, Environmental Protection Department (EPD), Food and Environmental Hygiene Department, Buildings Department and the Commissioner of Police, had no major adverse comments on the application. The technical concerns raised by Transport Department (TD), Highways Department, Drainage Services Department (DSD) and Fire Services Department (FSD) could be addressed by imposing restriction on vehicle type, vehicular access arrangement, drainage and fire safety conditions as recommended in paragraphs 12.3(a) and (d) to (h) of the Paper. Regarding local objections, concerned departments including EPD, TD, DSD and FSD had no objection to the application. Besides, parking of heavy vehicles would not be allowed within the site as recommended in paragraph 12.3(a) of the Paper to ensure road safety and to minimize noise nuisance. An advisory clause was also recommended in paragraph 12.4(h) of the Paper reminding the applicant that effluent discharge was subject to the Water Pollution Control Ordinance. For the maintenance cost of Palm Springs Boulevard, it was an issue between the road owner and the restaurant operator and should be sorted out between the two parties as recommended in paragraph 12.4(c) of the Paper.

62. Members had no question on the application.

Deliberation Session

63. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 15.9.2009, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no heavy vehicles (including container vehicles and lorries) were allowed to be parked on the site at any time during the planning approval period;
- (b) 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 TPB by 15.12.2006;
- (c) in relation to (b) 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 TPB by 15.3.2007;
- (d) the submission of drainage proposals within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 15.12.2006;
- (e) in relation to (d) above, the provision of drainage facilities proposed within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 15.3.2007;
- (f) 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 TPB by 15.12.2006;
- (g) in relation to (f) 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 TPB by 15.3.2007;

- (h) the provision of emergency vehicular access (EVA), water supply for fire fighting and fire service installations within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 15.3.2007;
- (i) if the above planning condition (a) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (j) if any of the above planning conditions (b), (c), (d), (e), (f), (g) or (h) was not complied with by the above specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and
- (k) upon expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the TPB.

64. 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 compliance period was granted so as to closely monitor the fulfilment of approval conditions imposed;
- (c) liaise with the maintenance agent of the Palm Springs Boulevard with regard to the use and maintenance cost of the road;
- (d) note the District Lands Officer/Yuen Long, Lands Department's comments that the lot under application was an Old Schedule Agricultural Lot held under the Block Government Lease under which no structures were allowed to be erected without prior approval from his Office. However, his Office did not guarantee the approval upon applications;

- (e) note the Chief Building Surveyor/New Territories West, Buildings Department's comments that the granting of planning approval should not be construed as condoning to any structures existing on site under the Buildings Ordinance (BO) and the allied regulations. Actions appropriate under the BO or other enactment might be taken if contravention was found. Formal submission of any new works, including any temporary structure, for approval under the BO was required. If the site was not abutting on a street having a width of not less than 4.5m, the development intensity should be determined under Building (Planning) Regulation (B(P)R) 19(3) at the building plan submission stage;
- (f) note the Director of Fire Services' comments that the EVA provision in the site should comply with the standard as stipulated in Part VI of the 'Code of Practice for Means of Access for Firefighting and Rescue' under the B(P)R 41D;
- (g) note the Director of Food and Environmental Hygiene's comments that the proposed restaurant should be granted with a valid restaurant licence issued by his department. The management of the restaurant was responsible for removal and disposal of the refuse at their expenses; and
- (h) note the Director of Environmental Protection's comments that the requirements under the Water Pollution Control Ordinance, Cap. 358, should be complied with, and the latest 'Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites' should be followed.

[Open Meeting (Presentation and Question Session only)]

- (vi) A/YL-NTM/200 Temporary Tyre Repair Workshop for Container Vehicles for a Period of 3 Years in “Open Storage” zone, Lots 21C(Part), 22, 23B, 24B(Part), 39(Part) and 40(Part) in DD 98 and Adjoining Government Land, Ngau Tam Mei, Yuen Long
(RNTPC Paper No. A/YL-NTM/200)
-

Presentation and Question Session

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

- (a) background to the application;
- (b) the temporary tyre repair workshop for container vehicles 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 12.2 of the Paper.

66. Members had no question on the application.

Deliberation Session

67. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 15.9.2009, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no vehicle repairing, fuelling, dismantling and workshop activities should be carried out on the site at any time during the planning approval period;
- (b) the maintenance of all existing landscape planting on the site at all times during the planning approval period;
- (c) the submission of drainage proposals within 6 months from the date of the planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 15.3.2007;
- (d) in relation to (c) above, the provision of drainage facilities proposed within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 15.6.2007;
- (e) the submission of run-in proposals within 6 months from the date of the planning approval to the satisfaction of the Director of Highways or of the TPB by 15.3.2007;
- (f) in relation to (e) above, the implementation of the accepted run-in proposal within 9 months from the date of planning approval to the satisfaction of the Director of Highways or of the TPB by 15.6.2007 ;
- (g) the provision of fencing of the site within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 15.3.2007;
- (h) if any of the above planning conditions (a) or (b) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (i) if any of the above planning conditions (c), (d), (e), (f) or (g) was not complied with by the above specified date, the approval hereby given should cease to have effect and should on the same date be revoked without

further notice; and

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

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

- (a) resolve any land issue relating to the development with the concerned owner(s) of the application site;
- (b) apply to the District Lands Office/Yuen Long, Lands Department (DLO/YL, LandsD) for Short Term Waiver for erection of structures on the site and Short Term Tenancy for occupation of Government Land;
- (c) note the Chief Highway Engineer/New Territories West, Highways Department's comments that the run-in should be proposed and constructed in accordance with Highways Standard Drawing Nos. H1113 and H1114 or H5115 and H5116, whichever set as appropriate, to match the pavement type of adjacent footpath;
- (d) note the Chief Engineer/Mainland North, Drainage Services Department's comments that DLO/YL, LandsD should be consulted regarding all proposed drainage works outside the site boundary, and all proposed drainage facilities should be constructed and maintained at the applicant's own costs. No public sewerage maintained by his Office was currently available for connection;
- (e) note the Chief Engineer/Development(2), Water Supplies Department's comments that the cost of any necessary diversion works of existing water mains affected by the proposed development should be borne by the applicant;

- (f) comply with the environmental mitigation measures recommended in the 'Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites' issued by the Director of Environmental Protection in order to minimize possible environmental nuisance;
- (g) approach Dangerous Goods Division of Fire Services Department for advice on licensing of the site for repairing workshop purpose; and
- (h) note the Chief Building Surveyor/New Territories West, Buildings Department's comments that all building works were subject to compliance with the Buildings Ordinance (BO). Authorized Person should be appointed to coordinate all building works. The granting of planning approval should not be construed as an acceptance of the unauthorized structures on site under the BO. Enforcement action might be taken to effect the removal of all unauthorized works in the future.

[Open Meeting (Presentation and Question Session only)]

- (vii) A/YL-PH/527 Temporary Horse Riding School with Ancillary Barbecue Area and Field Study Centre for a Period of 3 Years in "Residential (Group D)" zone, Lots 3039 and 3040(Part) in DD 111 and Adjoining Government Land, Wang Toi Shan, Pat Heung, Yuen Long
(RNTPC Paper No. A/YL-PH/527)
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Presentation and Question Session

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

- (a) background to the application;
- (b) the temporary horse riding school with ancillary barbecue area and field study centre 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 11.1 of the Paper.

70. Members had no question on the application.

Deliberation Session

71. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 15.9.2009, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) the existing trees and landscape planting within the site should be maintained at all times during the planning approval period;
- (b) the drainage facilities implemented under Application No. A/YL-PH/418 on the application site should be maintained at all times during the planning approval period;
- (c) the provision of fire service installations within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 15.3.2007;
- (d) if any of the above planning conditions (a) or (b) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;

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

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

- (a) resolve any land issues relating to the development with the concerned owner(s) of the application site;
- (b) note the District Lands Officer/Yuen Long, Lands Department's comments that unauthorized structures were erected on site and some Government land within the site was found being occupied without his prior approval. His office reserved the right to take enforcement action against these irregularities. The applicant was advised to apply to his office for Short Term Waiver(s) and a Short Term Tenancy for regularization of the unauthorized structures on the lots and the occupation of Government land respectively. However, his office did not guarantee that approval would be given upon application;
- (c) note the Assistant Commissioner for Transport/New Territories, Transport Department's comments that the land status of the proposed path/track between the site and Kam Tin Road and the management and maintenance responsibilities of the path/track leading to the site from Kam Tin Road should be checked;
- (d) note the Chief Highway Engineer/New Territories West, Highways Department's comments that he was not responsible for the maintenance of any existing vehicular access connecting the application site and Kam Tin Road;

- (e) adopt 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;
- (f) note the Director of Fire Services’ comments that detailed fire safety requirements would be formulated upon receipt of formal submission of general building plans;
- (g) note the Chief Engineer/Development (2), Water Supplies Department (WSD)’s comments that the applicant might need to extend his/her inside services to the nearest suitable 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 WSD’s standard;
- (h) note the Head of Geotechnical Engineering Office, Civil Engineering and Development Department’s comments that the “Green Hatched Black” Clause for slope maintenance/stabilization works for part of Slope No. 6NE-B/C65 might need to be incorporated in the land document at the land allocation stage, if it was not considered more appropriate to be allocated to other party; and
- (i) note the Chief Building Surveyor/New Territories West, Buildings Department’s comments that the granting of this planning approval should not be construed as condoning to any structures existing on the site under the Buildings Ordinance (BO) and the allied regulations. Actions appropriate under the BO or other enactments might be taken if contravention was found. Formal submission of any proposed new building works including any temporary structure for approval under the BO was required. If the site was not abutting on a street having a width of not less than 4.5m, the development intensity should be determined under Building (Planning) Regulation (B(P)R) 19(3) at the building plan submission

stage. B(P)R 41D was applicable regarding the provision of Emergency Vehicular Access.

[Open Meeting (Presentation and Question Session only)]

- (viii) A/YL-TYST/331 Temporary Recycling Materials Transfer Station for a Period of 3 Years in “Village Type Development” zone, Lots 287(Part), 296(Part), 298(Part), 301(Part), 302A, 302RP, 303, 304, 306 and 307(Part) in DD 119, Shan Ha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-TYST/331)
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Presentation and Question Session

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

- (a) background to the application;
- (b) the temporary recycling materials transfer station for a period of 3 years;
- (c) departmental comments – the Director of Environmental Protection did not support the application as there were sensitive receivers in the vicinity and environmental nuisance was expected. Any breakage of cathode ray tubes and circuit boards of discarded personal computers during loading/unloading/piling might cause soil and water pollution. The Chief Engineer/Mainland North, Drainage Services Department did not support the application as no proper public drainage system was available in the vicinity of the site, and no technical submission was available to demonstrate that the development would not cause any increase in the flooding susceptibility of the adjacent areas;
- (d) one public comment was received during the statutory publication period raising objection to the application on pollution, odour and noise nuisance

grounds; and

- (e) the Planning Department (PlanD)'s views – PlanD did not support the application for reasons as detailed in paragraphs 11.3 and 11.4 of the Paper. The development was not in line with the planning intention of the “Village Type Development” zone. The District Lands Officer/Yuen Long, Lands Department advised that a small house application to the immediate south-east of the site was under active processing. The development also did not comply with the Town Planning Board Guidelines No. 13D for ‘Application for Open Storage and Port Back-up Uses’. It was not compatible with the surrounding village houses and active/fallow agricultural land, and there were adverse departmental comments on the application.

74. Members had no question on the application.

Deliberation Session

75. A Member enquired about the current Government policy and initiatives in providing assistance to recycling industries and promoting the recycling of waste. Mr. H.M. Wong, Principal Environmental Protection Officer (Strategic Assessment), Environmental Protection Department (EPD), said that in the short term, EPD would give favourable consideration to those proposed sites for recycling industries provided that they were not located in the vicinity of sensitive receivers and would not cause environmental nuisances to the surrounding uses. In the long term, an EcoPark would be developed in Tuen Mun Area 38 to provide land for local recycling industries. The EcoPark would be equipped with appropriate environmental protection measures to minimize adverse environmental impacts on the surrounding areas. Mr. H.M. Wong further said that the Government had introduced waste recovery programme to encourage and facilitate waste separation at business and household levels.

76. 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 recognized villages and areas of land considered suitable for village expansion. Land within this zone was primarily intended for development of Small Houses by indigenous villagers. No strong justification had been given in the submission to justify a departure from the planning intention, even on a temporary basis;
- (b) the development did not comply with the Town Planning Board Guidelines for ‘Application for Open Storage and Port Back-up Uses’ in that the development was not compatible with the nearby village houses and active/fallow agricultural land, no previous approval had been granted on the site and that there were adverse departmental comments on the application; and
- (c) there was insufficient information in the submission to demonstrate that the development would not generate adverse environmental, drainage and traffic impacts on the surrounding areas.

Agenda Item 5

Section 16A Application

[Open Meeting (Presentation and Question Session only)]

A/TM-LTY Y/101-1 Extension of Time for Commencement of the
Approved Comprehensive Residential Development
for a Period of 48 Months until 27.9.2010
in “Comprehensive Development Area” zone,
Lots 837RP, 839, 841, 1035RP, 1037RP and 2527RP(Part) and
Adjoining Government Land in DD 130,
Lam Tei, Tuen Mun
(RNTPC Paper No. A/TM-LTY Y/101-1)

Presentation and Question Session

77. Mr. Frederick S.T. Ng, STP/TMYL, informed that replacement page 12 for the Paper had already been sent to Members. Then he presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the extension of time for commencement of the approved comprehensive residential development for a period of 48 months until 27.9.2010;
- (c) departmental comments – no objection from concerned Government departments was received, except the District Officer/Tuen Mun advised that the objectors to the previous approved application (No. A/TM-LTYT/101) maintained their objections on the grounds of environmental and traffic impacts, inadequate road capacity and possible TV reception problem; and
- (d) the Planning Department (PlanD)'s views – PlanD had no objection to the application for reasons as detailed in paragraph 6.1 of the Paper. The technical assessments submitted by the applicant for the previous application had demonstrated that the proposed development would not have adverse environmental and traffic impacts on the surrounding areas. Relevant Government departments including Environmental Protection Department and Transport Department had no objection to the application. Also, approval conditions as mentioned in paragraphs 6.2(c) and (e) had been imposed to ensure that no adverse environmental and traffic impacts would be caused to the surrounding areas. Moreover, an approval condition had been imposed on the provision of vehicular and pedestrian access to Lot 1036 in DD130 (i.e. Fa Pao Committee) and the applicant had been advised that he should take the responsibility for the improvement work of TV reception if it was affected by the proposed development.

78. Members had no question on the application.

Deliberation Session

79. After deliberation, the Committee decided to approve the application, under sections 4A and 16A(2) of the Town Planning Ordinance, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid for 48 months up to 27.9.2010, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced. The permission was subject to the following conditions :

- (a) the submission and implementation of a revised Master Layout Plan (MLP) to take into account conditions (b), (c), (e), (g), (h), (i) and (j) below to the satisfaction of the Director of Planning or of the TPB;
- (b) the submission and implementation of a Landscape Master Plan including a tree preservation scheme to the satisfaction of the Director of Planning or of the TPB;
- (c) the provision of vehicular and pedestrian access to the site as well as parking and loading/unloading spaces to the satisfaction of the Commissioner for Transport or of the TPB;
- (d) the submission of drainage impact assessment and the provision of drainage facilities and flood mitigation measures identified therein to the satisfaction of the Director of Drainage Services or of the TPB;
- (e) the implementation of noise mitigation measures, as proposed in the environmental impact assessment submitted by the applicant, to the satisfaction of the Director of Environmental Protection or of the TPB;
- (f) the provision of sewage disposal facilities to the satisfaction of the Director of Environmental Protection or of the TPB;
- (g) the provision of a public open space, as proposed by the applicant, to the satisfaction of the Director of Leisure and Cultural Services or of the TPB;

- (h) the provision of vehicular and pedestrian access to Lot 1036 in DD 130 to the satisfaction of the Director of Lands or of the TPB;
- (i) the setting back of the application site to avoid encroaching onto the Deep Bay Link slip road diverging from the Yuen Long Highway to the satisfaction of the Director of Highways or of the TPB; and
- (j) the provision of emergency vehicular access, water supply for fire fighting and fire services installation to the satisfaction of the Director of Fire Services or of the TPB.

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

- (a) note that a further extension of the validity of this permission would be outside the scope of Class B amendments as specified by the TPB. If the applicant wished to seek any further extension of time for commencement of the development, he would have to submit a fresh application under section 16 of the Town Planning Ordinance (TPO). The TPB Guidelines No. 35A and 36 should be referred to for details;
- (b) revise the MLP to take into account the conditions of approval imposed by the TPB. The approved MLP, together with the set of approval conditions, would be certified by the Chairman of the TPB and deposited in the Land Registry in accordance with section 4(A)(3) of the TPO. Efforts should be made to incorporate the relevant approval conditions into a revised MLP for deposition in the Land Registry as soon as practicable;
- (c) note Members' concern on the need to provide adequate parking provision at the detailed design stage of the proposed development as raised at the section 16 stage;
- (d) note the Chief Highway Engineer/New Territories West, Highways Department (HyD)'s comments that clarification needed to be sought in

respect of the proposed land use of the strip of land along Fuk Hang Tsuen Road, abutting the northern boundary of the site and the responsibility for the re-construction and maintenance of the access track from Fuk Hang Tsuen Road to the subway under Yuen Long Highway and whether it would be open to the public without any limitation. Emergency vehicular access and internal roads as shown on the MLP should be designed and constructed to the current Transport Planning and Design Manual and HyD's standards. A drop gate/barrier should be provided to deter illegal access. His office should not be responsible for the design, construction and maintenance of any vehicular access proposed by the applicant as shown on the MLP. The applicant should seek Transport Department's agreement on the proposed locations of the two run-ins;

- (e) note the Chief Engineer/Development (2), Water Supplies Department (WSD)'s comments that existing water mains would be affected and the developer should bear the cost of any necessary diversion works affected by the proposed development. In case it was not possible to divert the water mains, a waterworks reserve within 1.5m from the centreline of the water main should be provided to WSD. No structure should be erected over the waterworks reserve and such area should not be used for storage purposes;
- (f) note the Antiquities and Monuments Office, Leisure and Cultural Services Department's comments that the applicant should be required to conduct an Archaeological Investigation to assess the archaeological impact of the proposed works before any excavation works commenced and mitigation measures should be implemented, and the archaeological investigation should be conducted by a qualified archaeologist; and
- (g) note the Director-General of Telecommunications' comments that the applicant should take the responsibility for the improvement work of TV reception if the proposed development affected the TV reception in Lam Tei areas.

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application for reasons as detailed in paragraphs 10.1 and 10.2 of the Paper. In particular, there was no development programme for the proposed town park on the application site. While the site might be affected by future development projects of Tung Chung, the clearance of the village, if required, would only take place some years away. It was considered that the proposed restaurant could be tolerated for a temporary period of 3 years and relevant Government departments had no adverse comment on granting a temporary approval to the application.

82. Members had no question on the application.

Deliberation Session

83. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years up to 15.9.2009, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) the submission and implementation of fire safety measures within 6 months from the date of approval to the satisfaction of the Director of Fire Services or of the TPB by 15.3.2007; and
- (b) if the above planning condition 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.

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

- (a) note that a temporary planning approval for a period of 3 years was granted so as to monitor the impacts of the development and to ensure that the development would not conflict with the planning intention for the “Open Space” zone; and

- (b) note the Fire Services Department's comments that a sprinkler system would be required if the proposed restaurant was classified as General Restaurant or Light Refreshment Restaurant and the Gross Floor Area exceeded 230m². Detailed fire safety requirements would be formulated upon receipt of formal application referred from licensing authority.

[Mr. Tony C.N. Kan and Ms. Anna S.Y. Kwong returned to join the meeting at this point.]

[Open Meeting (Presentation and Question Session only)]

- (ii) A/SK-PK/150 Proposed Filling and Excavation of Land for Permitted Waterworks in "Conservation Area" zone, Government Land in DD 222, Tai Shui Tseng, Sai Kung
(RNTPC Paper No. A/SK-PK/150)
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Presentation and Question Session

85. 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 filling and excavation of land for permitted waterworks;
- (c) departmental comments – no objection from concerned Government departments was received;
- (d) one public comment was received during the statutory publication period raising concern about the potential impact on existing woodland and site practice during the construction stage; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application for reasons as detailed in paragraph 10.1 of the Paper. For the public concerns on vegetation clearance and tree felling, according to the

tree survey and compensatory planting proposals submitted by the applicant, it was noted that 89 out of 112 existing trees at the application site would be retained. The trees to be felled were of common species. In order to compensate for the trees felled, a total of 25 heavy standard size trees and 128 woodland mix trees at seedling size were proposed to be planted. Moreover, the concern was recommended to be addressed by imposing a tree preservation and landscaping condition.

86. Members had no question on the application.

Deliberation Session

87. A Member was concerned about the potential damage to existing trees during the construction stage as the approval condition recommended in paragraph 10.2 was applicable to the subject site only. He was worried that there might be a need to opening up an access road for the transportation of construction materials/equipments which would cause damage to the existing woodland in this "Conservation Area" zone. Members shared the concern and agreed that, if the application was approved, an approval condition should be added to ensure that the construction activities would generate the least disturbance to the existing vegetation/trees.

88. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 15.9.2010, 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 TPB; and
- (b) the submission and implementation of a proposal to minimize disturbance to the woodland adjoining the application site during the construction stage to the satisfaction of the Director of Agriculture, Fisheries and Conservation or of the TPB.

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

- (a) apply to the District Lands Officer/Sai Kung, Lands Department regarding the extension of the existing Government Land Allocation No. DS105;
- (b) submit the design of the site formation works to the Geotechnical Engineering Office, Civil Engineering and Development Department for comment in accordance with ETWB TC(W) No. 29/2002; and
- (c) consult the Director of Agriculture, Fisheries and Conservation on vegetation clearance and tree felling matters.

Remarks

90. The Chairperson said that the remaining items in the Agenda would not be open for public viewing since they were in respect of applications submitted before the commencement of the Town Planning (Amendment) Ordinance 2004.