

**TOWN PLANNING BOARD**

**Minutes of 335th Meeting of the  
Rural and New Town Planning Committee held at 2:30 p.m. on 29.9.2006**

**Present**

Mr. Michael K.C. Lai Vice-chairman

Ms. Carmen K.M. Chan

Mr. David W.M. Chan

Dr. Lily Chiang

Mr. B.W. Chan

Mr. Y.K. Cheng

Ms. Anna S.Y. Kwong

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

Mr. Y.M. Lee

Assistant Director (Environmental Assessment),  
Environmental Protection Department

Mr. Elvis W.K. Au

Assistant Director/New Territories, Lands Department

Mr. Francis Ng

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

Secretary

**Absent with Apologies**

Director of Planning  
Mrs. Ava S.Y. Ng

Chairperson

Professor Nora F.Y. Tam

Professor David Dudgeon

Professor Peter R. Hills

Mr. Tony C.N. Kan

Mr. Edmund K.H. Leung

Dr. C.N. Ng

Mr. Alfred Donald Yap

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  
Ms. Brenda K.Y. Au

Town Planner/Town Planning Board  
Mr. Tony Y.C. Wu

1. The Chairperson was absent from the meeting due to other commitments, hence the Vice-chairman chaired the meeting on her behalf.

### **Agenda Item 1**

#### **Confirmation of the Draft Minutes of the 334th RNTPC Meeting held on 15.9.2006**

2. The draft minutes of the 334th RNTPC meeting held on 15.9.2006 were confirmed without amendments.

### **Agenda Item 2**

#### **Matters Arising**

3. There were no matters arising from the last meeting.

### **Sai Kung & Islands District**

[Mr. Wilfred C.H. Cheng, Senior Town Planner/Sai Kung & Islands (STP/SKIs), was invited to the meeting at this point.]

### **Agenda Item 3**

#### **Section 16 Applications**

[Open Meeting (Presentation and Question Session only)]

- (i) A/SK-PK/151 Eating Place (Outside Seating Accommodation)  
for a Period of 3 Years in "Road" zone,  
Government Land Adjoining 183D, Hiram's Highway,  
Lot 780RP in DD 215, Sai Kung  
(RNTPC Paper No. A/SK-PK/151)
- 

#### **Presentation and Question Session**

4. Mr. Wilfred C.H. Cheng, STP/SKIs, informed that replacement page 6 of the paper was tabled at the meeting. He then presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application, highlighting that the application site was the subject of a previous approval for the same use for a temporary period of three years until 22.11.2005 (Application No. A/SK-PK/122);
- (b) the proposed eating place (outside seating accommodation (OSA)) use;
- (c) departmental comments – no adverse comment from concerned Government departments was received;
- (d) no public comment was received during the statutory publication period. According to the District Officer/Sai Kung, the Chairman of the Tan Cheung Ha Tsuen Mutual Aid Committee was concerned that the OSA use would result in increased pedestrian and traffic flow and cause disturbance to local residents; and
- (e) the Planning Department (PlanD)'s views – the PlanD had no objection to the application for reasons as detailed in paragraph 10.1 of the Paper. Given the small scale of the OSA use, it was unlikely that pedestrian circulation in the area would be obstructed and any adverse traffic impact and significant nuisances to the residents would be caused.

[Mr. Elvis W.K. Au and Ms. Carmen K.M. Chan arrived to join the meeting at this point.]

5. Members had no question on the application.

#### Deliberation Session

6. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 29.9.2009, on the terms of the application as

submitted to the Town Planning Board.

7. The Committee also agreed to advise the applicant :
- (a) to apply to the District Lands Officer/Sai Kung (DLO/SK) for a short term tenancy to effect the Outside Seating Accommodation (OSA) use;
  - (b) to return the Government land within the application site upon demand by the DLO/SK without delay when the road project involving the site was implemented in future;
  - (c) to note the Assistant Commissioner for Transport/New Territories' requirements that the OSA should not obstruct pedestrian circulation, traffic aids and sightlines of vehicles/pedestrians, and to modify the OSA layout when required by the Government;
  - (d) to submit an application for restaurant licence to the Director of Food and Environmental Hygiene for approval; and
  - (e) to allow free access at all times for the Drainage Services Department to undertake maintenance of the public sewers beneath the site.

[Open Meeting (Presentation and Question Session only)]

- (ii) A/TKO/78 School use in "Green Belt" zone,  
Lot 146 in DD 224, Hang Hau, Tseung Kwan O  
(RNTPC Paper No. A/TKO/78)
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Presentation and Question Session

8. Mr. Wilfred C.H. Cheng, STP/SKIs, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;

- (b) the proposed school use;
- (c) departmental comments – no adverse comment 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 – the PlanD had no objection to the application for reasons as detailed in paragraph 11.1 of the Paper.

9. Members had no question on the application.

#### Deliberation Session

10. 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 29.9.2010, 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 condition of the provision of fire service installations to the satisfaction of the Director of Fire Services or of the TPB.

11. The Committee also agreed to advise the applicant :

- (a) to note the comments of the District Lands Officer/Sai Kung, the Chief Building Surveyor/New Territories, Buildings Department and the Chief Engineer/Development (2), Water Supplies Department at paragraphs 9.1.1(b), 9.1.3 and 9.1.5 of the Paper respectively; and
- (b) to liaise further with the Secretary for Education and Manpower with regard to the school registration matter in paragraph 9.1.2(b) of the Paper.

[The Vice-chairman thanked Mr. Wilfred C.H. Cheng, STP/SKIs, for his attendance to answer Members' enquiries. Mr. Cheng left the meeting at this point.]

### **Sha Tin, Tai Po and North District**

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

#### **Agenda Item 4**

##### **Section 16 Applications**

[Open Meeting (Presentation and Question Session only)]

- (i)            A/FSS/167            Eating Place (Restaurant)  
in "Government, Institution or Community" zone,  
First Floor, the Emperor Hall Building  
(Lot 4433s17 (part) in DD 51),  
18 Sha Tau Kok Road, Lung Yeuk Tau, Fanling  
(RNTPC Paper No. A/FSS/167)
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##### **Presentation and Question Session**

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

- (a)    background to the application, highlighting the application premises formed part of a 6-storey building for religious use, with a columbarium on the third floor;
- (b)    the proposed eating place (restaurant) use;
- (c)    departmental comments – the District Lands Officer/North advised that the

lease of the subject lot was untraceable and suggested that the lot should be subject to Gazette Notice No. 365 which prohibited ‘offensive trades’ including restaurant. The Assistant Commissioner for Transport/New Territories objected to the application due to the lack of on-site parking and loading/unloading facilities for the proposed use;

- (d) two public comments were received during the statutory publication period, raising objection to the application on the grounds that restaurant use was not suitable in a religious institution and in a building with storage of ashes of cremated bodies, and there was an over-supply of eating places in the area. The District Officer/North advised that the Chairmen of the Fanling District Rural Committee and the Owners’ Committee of Fanling Industrial Centre objected to the application on traffic, hygiene and public health grounds due to storage of ashes of cremated bodies in the building; and
- (e) the Planning Department (PlanD)’s views – the PlanD did not support the application for reasons as detailed in paragraph 9.1 of the Paper in that the restaurant use was not in line with the planning intention of the “Government, Institution or Community” zone and was incompatible with the religious uses within the same building and adjoining industrial buildings, and there was no information in the submission to demonstrate that the use would not have adverse traffic impact on the area.

13. Members had no question on the application.

#### Deliberation Session

14. A Member considered that the columbarium on the third floor of the building might not cause any public health and hygiene problems to the restaurant use. Mr. W.K. Hui, DPO/STN, agreed to this Member’s view and pointed out that the Director of Food and Environmental Hygiene had no objection to the application. He also informed Members that the columbarium use actually required planning permission from the Town Planning Board. The Secretary added that the main concerns were on the traffic aspect and non-compliance of



the restaurant use with the planning intention of the “G/IC” zone.

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

- (a) the restaurant use under application was not in line with the planning intention of the “Government, Institution or Community” zone which was intended primarily for the provision of Government, institution or community facilities serving the needs of the local residents and/or a wider district region or the territory and to provide land for uses directly related to or in support of the work of the Government, organizations providing social services to meet community needs, and other institutional establishments. It was considered incompatible with the religious uses within the same building and the adjoining industrial buildings; and
- (b) no information had been submitted to demonstrate that the use under application would not generate adverse traffic impact on the surrounding areas.

[Open Meeting (Presentation and Question Session only)]

- (ii) A/NE-TKL/289 Temporary Warehouse for Storage and Blending of Liquid Material for Use in Construction Industry for a Period of 3 Years in “Open Storage”, “Agriculture” and “Industrial” zones, Lot 762 in DD 77, Ping Che, Fanling (RNTPC Paper No. A/NE-TKL/289)
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Presentation and Question Session

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

- (a) background to the application, highlighting that four previous applications

(Applications No. A/NE-TKL/103, 174, 199 and 235) for the same use at the subject site had been approved and all relevant approval conditions had been complied with;

- (b) the proposed temporary warehouse use;
- (c) departmental comments – the Director of Environmental Protection (DEP) did not support the application as environmental nuisance on the sensitive uses in the vicinity of the application site was expected. The Assistant Commissioner for Transport/New Territories (AC for T/NT) was concerned that the van track leading to the site was substandard and narrow, and suggested that should the application be approved, a condition prohibiting the entry of heavy and medium goods vehicles should be imposed. Other Government departments had no adverse comments on the application;
- (d) one public comment was received during the statutory publication period, raising objection to the application due to concerns on the drainage, flooding and public health problems that might be caused by storage of e-waste at the site; and
- (e) the Planning Department (PlanD)'s views – the PlanD considered that the temporary warehouse use could be tolerated for a period of three years for reasons as details in paragraph 10.1 of the Paper in that the use was not incompatible with the surrounding uses which were mainly open storage yards and would unlikely have adverse drainage, visual and landscape impacts on the surrounding areas; there had been no change in the planning circumstances pertaining to the site since the latest planning permission; and the concerns of DEP and AC for T/NT could be addressed by appropriate approval conditions and advisory clauses. Regarding the concern raised by the commenter, it should be noted that the Drainage Services Department had no objection to the application and that the DEP advised that the goods to be stored at the site appeared not to include any e-waste.

17. Members had no question on the application.

Deliberation Session

18. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 29.9.2009, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no storage of e-waste was allowed within the application site during the planning approval period;
- (b) no medium and heavy goods vehicles were allowed to enter the application site during the planning approval period;
- (c) 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 29.3.2007;
- (d) in relation to (c) 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 29.6.2007;
- (e) the submission of tree preservation and landscaping proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 29.3.2007;
- (f) in relation to (e) above, the implementation of tree preservation and landscaping proposals within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 29.6.2007;
- (g) if any of the above planning conditions (a) or (b) was not complied with during the planning approval period, the approval hereby given should

cease to have effect and should be revoked immediately without further notice; and

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

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

20. The Committee also agreed to advise the applicant :

- (a) to liaise with the District Lands Office/North, Lands Department in relation to the re-issue of short term waiver;
- (b) to implement relevant mitigation measures specified in the 'Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites' published by the Environmental Protection Department to minimize any possible environmental impacts;
- (c) to note the Chief Engineer/Development(2), Water Supplies Department's comments that:
  - (i) the applicant might 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 should be responsible for the construction, operation and maintenance of the inside services within the private lots to Water Supplies Department's standards; and
  - (ii) the application site was located within the flooding pumping

catchment area associated with River Indus and River Ganges pumping stations;

- (d) to note the Director of Fire Services' comments that:
  - (i) the emergency vehicular access arrangement should comply with Part VI of the 'Code of Practice for Means of Access for Fire Fighting and Rescue' administered by the Buildings Department; and
  - (ii) detailed fire safety requirements would be formulated upon receipt of formal submission of general building plan; and
  
- (e) to note the Chief Building Surveyor/New Territories West, Buildings Department's comments that:
  - (i) the unauthorized structures on site liable to action under section 24 of the Buildings Ordinance should be removed;
  - (ii) the granting of the planning permission should not be construed as condoning any structures existing on the site under the Buildings Ordinance and the allied regulations and appropriate actions under the said Ordinance or other enactments might be taken if contravention was found;
  - (iii) formal submission of any proposed new works for approval under the Buildings Ordinance was required; and
  - (iv) if the application site was not abutting on or accessible from a road of not less than 4.5m wide, the development intensity would be subject to application of Building (Planning) Regulation 19(3).

[Open Meeting (Presentation and Question Session only)]

(iii) A/NE-KTS/236 Proposed House (New Territories Exempted House)  
in “Agriculture” zone,  
Lot 492 in DD 94, Hang Tau Village, Sheung Shui  
(RNTPC Paper No. A/NE-KTS/236 & 237)

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(iv) A/NE-KTS/237 Proposed House (New Territories Exempted House)  
in “Agriculture” and “Village Type Development” zones,  
Lot 497 in DD 94, Hang Tau Village, Sheung Shui  
(RNTPC Paper No. A/NE-KTS/236 & 237)

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21. The Vice-chairman said that since Applications No. A/NE-KTS/236 and 237 were submitted by the same applicant for the same use and the application sites were located in vicinity, the applications could be considered together. Members agreed.

#### Presentation and Question Session

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

- (a) background to the applications;
- (b) the proposed New Territories Exempted Houses (NTEHs);
- (c) departmental comments – the District Lands Officer/North advised that the applicant was not an indigenous villager and was not eligible for Small House grant. The Assistant Commissioner for Transport/New Territories had reservation on the applications as approval of the applications might set a precedent for similar applications in the future and might result in substantial cumulative adverse traffic impact in the area;
- (d) two public comments from the same commenter, one on each application, were received during the statutory publication period. The commenter considered that the applications had violated the planning principle and

spirit of Small House development, and queried whether any environmental assessment had been undertaken for the proposed developments. The commenter also suggested that should the applications be approved, fire emergency access, sewerage and drainage facilities and footpaths for public access should be provided. According to the District Officer/North, the Village Representative of Hang Tau objected to the application since there were no vehicular access and sewerage facilities for the application sites and the proposed NTEHs would affect the general living environment in the area; and

- (e) the Planning Department (PlanD)'s views – the PlanD did not support the applications for reasons as detailed in paragraphs 10.1 and 10.2 of the Paper in that the proposed developments were not in line with the planning intention of the “Agriculture” zone and approval of the applications would set an undesirable precedent for similar applications in the future. For Application No. A/NE-KTS/237, the proposed development was also not in line with the planning intention of the “Village Type Development” zone and there was insufficient information to demonstrate that the proposed development was to meet the housing need of the indigenous villagers.

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

- 23. Members had no question on the applications.

#### Deliberation Session

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

#### Application No. A/NE-KTS/236

- (a) the proposed development 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 substantial cumulative adverse traffic impact in the area.

Application No. A/NE-KTS/237

- (a) the proposed development 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;
- (b) the proposed 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. There was no strong justification in the submission for a departure from the planning intention; and
- (c) the approval of the application would set an undesirable precedent for similar applications in the future, resulting in substantial cumulative adverse traffic impact in the area.



[Open Meeting (Presentation and Question Session only)]

- (v) A/NE-KTS/238 Proposed House (New Territories Exempted House) (Small House) in “Agriculture” and “Village Type Development” zones, Lot 1312C in DD 92, Kam Tsin Village, Sheung Shui (RNTPC Paper No. A/NE-KTS/238)
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- (vi) A/NE-KTS/239 Proposed House (New Territories Exempted House - Small House) in “Agriculture” and “Village Type Development” zones, Lot 1312D in DD 92, Kam Tsin Village, Sheung Shui (RNTPC Paper No. A/NE-KTS/239)
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25. Both Applications No. A/NE-KTS/238 and 239 were for the development of a New Territories Exempted House (NTEH)(Small House) and the application sites were located adjacent to each other. Members agreed that the two applications could be considered together.

#### Presentation and Question Session

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

- (a) background to the applications;
- (b) the proposed NTEHs (Small Houses);
- (c) departmental comments – no adverse comment from concerned Government departments was received;
- (d) no public comment was received during the statutory publication period. The District Officer/North advised that the Village Representatives of Kam Tsin objected to both applications on traffic, ‘fung shui’, fire safety and emergency access grounds; and
- (e) the Planning Department (PlanD)’s views – the PlanD had no objection to both applications for reasons as detailed in paragraph 11.1 of the Papers in

that the proposed developments complied with the interim criteria for assessing planning application for NTEH/Small House development; and they were generally compatible with the surrounding land uses and would unlikely cause any environmental, traffic and drainage impacts on the surrounding areas.

27. Members had no question on the applications.

#### Deliberation Session

28. After deliberation, the Committee decided to approve both applications, on the terms of the applications as submitted to the Town Planning Board (TPB). The permissions should be valid until 29.9.2010, and after the said date, the permissions should cease to have effect unless before the said date, the developments permitted were commenced or the permissions were renewed. The permissions were each subject to the following conditions :

- (a) the submission and implementation of drainage proposals to the satisfaction of the Director of Drainage Services or of the TPB;
- (b) the submission and implementation of firefighting 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.

29. The Committee also agreed to advise each of the applicants :

- (a) to note the Chief Engineer/Development(2), Water Supplies Department's comments that the applicant should :
  - (i) assess the need to extend his inside services to the nearest Government water mains for connection, and to resolve any land

matter (such as private lots) associated with the provision of water supply and should be responsible for the construction, operation and maintenance of the inside services within private lots to Water Supplies Department's standards;

- (ii) note that water mains in the vicinity of the application site could not provide the standard fire-fighting flow;
  - (iii) note that the application site was located within the flood pumping catchment area associated with River Indus and River Ganges pumping stations; and
- (b) to note that the permission was only given to the development under application. If provision of access road was required for the proposed development, the applicant should ensure that such access road (including any necessary filling/excavation of land) complied with the provisions of the relevant statutory plan and obtain planning permission from the TPB where required before carrying out the road works.

[Open Meeting (Presentation and Question Session only)]

- (vii)        A/NE-LT/364        Proposed House (New Territories Exempted House) (Small House) in "Agriculture" and "Village Type Development" zones, Lot 1323A2 in DD 8, San Tong Village, Lam Tsuen, Tai Po  
(RNTPC Paper No. A/NE-LT/364)
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Presentation and Question Session

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

- (a)        background to the application;

- (b) the proposed New Territories Exempted House (NTEH) (Small House);
- (c) departmental comments – there was no adverse comment from concerned Government departments;
- (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 – the PlanD had no objection to the application for reasons as detailed in paragraph 11.1 of the Paper.

31. Members had no question on the application.

#### Deliberation Session

32. 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 29.9.2010, 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 facilities to the satisfaction of the Director of Drainage Services or of the TPB;
- (c) the provision of a fire fighting access, water supplies and fire service installations to the satisfaction of the Director of Fire Services or of the TPB;
- (d) the connection of the foul water drainage system to public sewers to the satisfaction of the Director of Water Supplies or of the TPB; and

- (e) the provision of protective measures to ensure no siltation occurred or no pollution to the water gathering grounds to the satisfaction of the Director of Water Supplies or of the TPB.

33. The Committee also agreed to advise the applicant that:

- (a) the actual construction of the proposed Small House should only begin after the completion of the public sewerage network;
- (b) adequate space should be provided for connection of the public sewerage network to the proposed Small House;
- (c) the applicant might need to extend the inside services to the nearest Government water mains for connection. The applicant should resolve any land matter (such as private lots) associated with the provision of water supply and should be responsible for the construction, operation and maintenance of the inside services within the private lots to Water Supplies Department's standards; and
- (d) the permission was only given to the development under application. If provision of access road was required for the proposed development, the applicant should ensure that such access road (including any necessary filling/excavation of land) complied with the provisions of the relevant statutory plan and obtained planning permission from the TPB where required before carrying out the road works.

[Open Meeting (Presentation and Question Session only)]

- (viii) A/NE-LT/365 Proposed House (New Territories Exempted House – Small House) in “Agriculture” zone,  
Lots 329B1 and 330RP in DD 10,  
Chai Kek Village, Lam Tsuen, Tai Po  
(RNTPC Paper No. A/NE-LT/365)
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Presentation and Question Session

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

- (a) background to the application;
- (b) the proposed New Territories Exempted House (NTEH) (Small House);
- (c) departmental comments – the Chief Engineer (Development)<sup>2</sup>, Water Supplies Department (CE(D)<sup>2</sup>, WSD) and the Director of Environmental Protection objected to the application as the subject site was located within the Water Supplies Department’s upper indirect Water Gathering Grounds (WGG) and there was neither existing nor planned sewerage system available to the site. The Director of Agriculture, Fisheries and Conservation was not in favour of the application as there were agricultural activities in the vicinity and the site had high potential for agricultural rehabilitation;
- (d) one public comment was received during the statutory publication period raising objection to the application for reasons that most Small Houses were sold for profit instead of occupation by indigenous villagers, and there had been too many planning applications approved which had damaged the environment and landscape of the rural areas; and
- (e) the Planning Department (PlanD)’s views – the PlanD did not support the application for reasons as detailed in paragraph 11.1 of the Paper. The

proposed development was not in line with the planning intention of the “Agriculture” zone and did not comply with the interim criteria for assessing planning applications for NTEH/Small House development in that the application site fell within the WGG and could not be connected to existing or planned sewerage system in the area.

35. Members had no question on the application.

#### Deliberation Session

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

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

[Open Meeting (Presentation and Question Session only)]

- (ix)           A/TP/379                   Proposed Temporary Institutional Use (Youth Centre)  
for a Period of 5 Years  
in “Village Type Development” and “Other Specified Uses”  
annotated “Kowloon-Canton Railway East Rail” zones,  
Lot 306B in DD 5 and Adjoining Government Land,  
Kai Chi School, Tai Po Tau, Tai Po  
(RNTPC Paper No. A/TP/379)
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37.           This application was submitted by the Tai Po Tau and Shui Wai Youth Centre (TPTSWYC). The Vice-chairman declared an interest in this item that he knew the Chairman of TPTSWYC but had no business dealings with the applicant. The Committee agreed that the Vice-chairman should continue to chair the meeting by necessity.

#### Presentation and Question Session

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

- (a)   background to the application;
- (b)   the proposed temporary youth centre;
- (c)   departmental comments – there was no adverse comment from the concerned Government departments;
- (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 – the PlanD had no objection to the application for reasons as detailed in paragraph 10.1 of the Paper.

39.           Noting that the application site was previously used as a school, the Vice-chairman asked whether the site had ever been zoned as “Government, Institution or Community”



(“G/IC”) before. Mr. W.K. Hui, DPO/STN, replied that the site was located within the village ‘environs’ of Tai Po Tau and was all along within the “Village Type Development” (“V”) zone. Since the school had been closed down and it was likely that the land was contributed by the villagers, it was considered appropriate to retain the “V” zoning of the site. The PlanD would monitor the situation in respect of the demand for land for Small House developments and consider rezoning the site to “G/IC” if appropriate.

### Deliberation Session

40. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 5 years until 29.9.2011, 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 landscaping and tree preservation proposals 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 the water supplies for fire fighting and fire service installations to the satisfaction of the Director of Fire Services or of the TPB.

41. The Committee also agreed to advise the applicant :

- (a) to resolve any land issues relating to the development with the concerned owners of the application site;
- (b) to remove all unauthorized building works/structure(s) existing on site. Authorized Person should be appointed to co-ordinate and submit demolition proposals to the Building Authority for approval, if so required under the Buildings Ordinance;

- (c) that if new structures/ building works were proposed for erection on site, the appointed authorized person should submit plans to the Building Authority for approval prior to commencement of any new building works;
- (d) to locate the owner so that he was in a position to apply for necessary approval from the District Lands Officer/Tai Po, Lands Department;
- (e) to preserve trees within the application site; and
- (f) that the emergency vehicular access (EVA) arrangement should comply with Part VI of the Means of Access (MoA) Code for Firefighting and Rescue administered by Buildings Department.

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

[Open Meeting (Presentation and Question Session only)]

- |     |          |  |
|-----|----------|--|
| (x) | A/ST/642 | Proposed Government Refuse Collection Point<br>in “Green Belt” zone,<br>STTL 421, Tung Lo Wan Hill Road, Sha Tin<br>(RNTPC Paper No. A/ST/642) |
|-----|----------|--|
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#### Presentation and Question Session

42. The Committee noted that the applicant requested on 1.9.2006 for a deferment of the consideration of the application to allow time to address the comments of relevant Government departments.

#### Deliberation Session

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

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

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

## **Agenda Item 5**

### **Section 16A Applications**

[Open Meeting (Presentation and Question Session only)]

- (i)           A/MOS/61-2           Application for Class B Amendments to a Previous Approved Scheme for Comprehensive Residential Development with Commercial and Government, Institution or Community Facilities in “Comprehensive Development Area (1)” zone, Various Lots in DD 206 and Adjoining Government Land, Area near Lok Wo Sha, Ma On Shan  
(RNTPC Paper No. A/MOS/61-2)
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### **Presentation and Question Session**

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

- (a)   background to the application;
- (b)   the proposed amendments to the previous approved scheme;
- (c)   departmental comments – there was no adverse comment from concerned Government departments as reflected in the Paper and the supplementary advice from the Assistant Commissioner for Transport/New Territories tabled at the meeting;

- (d) according to the District Officer/Sha Tin, the Chairman of the Owners' Committee of Monte Vista objected to the application for reasons that the plot ratio and building height of the residential blocks were too high; the new buildings would create a 'wall-effect' affecting the air quality and ventilation in the area; the proposed soft landscaping treatments were insufficient; and the arrangements of pedestrian and cyclist access were not satisfactory; and
  
- (e) the Planning Department (PlanD)'s views – the PlanD had no objection to the application for reasons as detailed in paragraph 8.1 of the Paper in that the proposed amendments were minor and would not significantly affect the overall layout of the development, and the current scheme generally complied with the requirements set out in the approved planning brief. The local concern on the possible 'wall effect' had been addressed by incorporation of view corridors/breezeways in the previous approved scheme, which were retained in the current submission. Regarding the concerns on the pedestrian and cyclist access, it had been stipulated in the planning brief that a segregated, direct and convenient public pedestrian walkway should be provided. Appropriate approval conditions could be incorporated to ensure that the arrangements on vehicular access, pedestrian circulation and related traffic matters were acceptable.

45. The Vice-chairman asked whether the two school sites as mentioned in Amendment Item 6 in Table A of the Paper would be required for school use and whether the sites would be excluded in the calculation of development area. Mr. W.K. Hui, DPO/STN, replied that according to the Secretary for Education and Manpower, the two sites were no longer required for school use. According to the applicants' proposal, the use of the sites would be re-designated as 'reserved site for school or other compatible Government, Institution or community (GIC) uses'. However, the actual GIC use for the sites was yet to be determined. If the future use of the sites involved any major change to the MLP, the applicants would have to submit a planning application to the Board for approval.

Deliberation Session

46. Mr. Francis Ng suggested that the wording of the approval condition recommended in paragraph 8.3(b) of the Paper be amended to the effect that the master layout plan (MLP) showing separate alienation of Government land in the north-eastern part of the site should be to the satisfaction of the Director of Lands (D of Lands) only, or to the satisfaction of the Town Planning Board (TPB) subject to consultation with the D of Lands. In response, the Secretary said that under the established practice, whether an approval condition had been fulfilled was normally determined by the concerned Government department. A decision of the TPB would only be necessary in case the applicants did not agree with the determination of the department and requested for a ruling from the TPB. As such, the wording in paragraph 8.3(b) of the Paper would allow the D of Lands to consider the applicant's submission in the first instance. After discussion, the Committee agreed that the suggested amendments would not be necessary.

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

47. A Member asked whether a GIC use with residential element, such as a residential care home for elderly, would be allowed at the two previous school sites and whether such use would have plot ratio implications. Mr. W.K. Hui replied that proposed use at the said sites and the development intensity would be subject to approval by the Committee by way of application for amendment to the MLP. In support of such application, the applicant would need to demonstrate that the proposal would not cause any significant adverse impacts on the area. The Secretary added that any changes to the MLP beyond Class A amendments required planning permission and thus there would be sufficient control on the actual use and development intensity of the subject sites.

48. 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 20.5.2009, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

- (a) the submission and implementation of a revised Master Layout Plan (MLP)

taking into account conditions (b), (c), (d), (f), (g), (h), (i), (j) and (k) below to the satisfaction of the Director of Planning or of the TPB;

- (b) the submission of a revised MLP showing separate alienation of Government land in the north-eastern part of the site to the satisfaction of the Director of Lands or of the TPB;
- (c) the submission and implementation of a revised landscape master plan, including tree felling and preservation proposals as well as a management plan for the woodland areas, to the satisfaction of the Director of Planning or of the TPB;
- (d) the submission of a revised noise impact assessment and implementation of the noise mitigation measures identified therein to the satisfaction of the Director of Environmental Protection or of the TPB;
- (e) the submission of an Environmental Monitoring and Audit (EM&A) Manual and the implementation of the EM&A Programme identified therein, including but not limited to audit of the construction phase mitigation measures to the satisfaction of the Director of Environmental Protection or of the TPB;
- (f) the provision of vehicular access, pedestrian circulation system, parking spaces, loading/unloading and lay-by facilities to the satisfaction of the Commissioner for Transport or of the TPB;
- (g) the submission of a revised traffic impact assessment and the implementation of traffic improvement measures identified therein to the satisfaction of the Commissioner for Transport or of the TPB;
- (h) the provision of footbridge connection and public pedestrian walkway(s) from the Ma On Shan Rail Wu Kai Sha Station to the Whitehead headland to the satisfaction of the Commissioner for Transport or of the TPB;

- (i) the provision of emergency vehicular access and fire safety measures to the satisfaction of Director of Fire Services or of the TPB;
- (j) the provision of a kindergarten to the satisfaction of the Secretary for Education and Manpower or of the TPB;
- (k) the submission of a revised cultural heritage impact assessment, including an archaeological survey and a historical survey, and the implementation of recommendations identified therein to the satisfaction of the Director of Leisure and Cultural Services or of the TPB;
- (l) the submission of a revised drainage impact assessment and the implementation of the drainage facilities identified therein to the satisfaction of the Director of Drainage Services or of the TPB;
- (m) the submission of a revised sewerage impact assessment to the satisfaction of the Director of Environmental Protection or of the TPB;
- (n) the implementation of the sewerage facilities identified in the revised sewerage impact assessment to the satisfaction of the Director of Drainage Services or of the TPB;
- (o) the diversion of water mains to be affected by the proposed development to the satisfaction of the Director of Water Supplies or of the TPB; and
- (p) the submission of an implementation programme, with phasing proposals to tie in with the completion of the major infrastructural facilities serving the proposed development and the proposed traffic improvement measures, to the satisfaction of the Director of Planning or of the TPB.

49. The Committee also agreed to advise the applicant :

- (a) to note that the approved MLP, together with a set of approval conditions, would be certified by the Chairman of the TPB and deposited in the Land Registry in accordance with section 4A(3) of the Town Planning Ordinance. Efforts should be made to incorporate the relevant approval conditions into the revised MLP for deposition in the Land Registry as soon as practicable;
- (b) to note that the proposed new roads leading to the proposed development required under the Buildings Ordinance should be completed prior to application for occupation permit;
- (c) to liaise with CLP Power to ensure that the additional electricity demand for the proposed development could be supplied from the existing electricity network;
- (d) to liaise with the Assistant Commissioner for Transport/New Territories, Transport Department regarding the revision of the Traffic Noise Impact Assessment; and
- (e) to provide the Director of Environmental Protection with the traffic noise model.

[Open Meeting (Presentation and Question Session only)]

- (ii) A/NE-LT/231-1 Extension of Time for Commencement of Eight Approved New Territories Exempted Houses (NTEHs) (Small Houses) under Application No. A/NE-LT/231 for a Period of 3 Years until 13.10.2009 in “Agriculture” zone, Lots 1205A, 1205B, 1205D, 1205E, 1206A-E, 1206RP, 1209A, 1223B and 1223C in DD 7, Hang Ha Po Village, Lam Tsuen, Tai Po  
(RNTPC Paper No. A/NE-LT/231-1)
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50. Miss Alice Y.C. Liu, STP/STN, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed extension of time for commencement of the approved development;
- (c) departmental comments – the Director of Agriculture, Fisheries and Conservation maintained his previous views of not supporting the application since the site could be rehabilitated for agricultural use. The Director of Environmental Protection also maintained his previous objection for the reason that the site was located within the Water Gathering Grounds with no provision of existing/planned sewerage system;
- (d) no local objection was received from the District Officer; and
- (e) the Planning Department (PlanD)'s views – the PlanD had no objection to the application for reasons as detailed in paragraph 8.2 of the Paper in that an extension of time for commencement of development would allow more time for the applicants to complete the required land administrative procedures for implementation of the approved development. The concerns of DAFC and DEP had already been taken into consideration by the Committee in approving the original application in 2000.

51. Members had no question on the application.

#### Deliberation Session

52. After deliberation, the Committee decided to extend the time for commencement of the approved development for 3 years until 13.10.2009. The approval would be subject to the following conditions :

- (a) the provision of drainage facilities to the satisfaction of the Director of Drainage Services or of the TPB;
- (b) the disposal of spoils during site formation and construction period to the satisfaction of the Director of Water Supplies or of the TPB;
- (c) the provision of septic tank and soakaway pit for foul effluent disposal and the sewerage connection at a distance of not less than 30m from any watercourses to the satisfaction of the Director of Water Supplies or of the TPB;
- (d) the provision of fire service installations and design and provision of an Emergency Vehicular Access to the satisfaction of the Director of Fire Services or of the TPB; and
- (e) the submission and implementation of the landscaping proposals to the satisfaction of the Director of Planning or of the TPB.

53. The Committee also agreed to advise the applicant :

- (a) that any further extension of the validity of this permission would be outside the scope of Class B amendments as specified by the Board. If the applicants wished to seek any further extension of time for commencement of the development, they might submit a fresh application under section 16 of the Town Planning Ordinance. They might refer to the TPB Guidelines No. 35A and 36 for details;
- (b) to liaise with the Senior Landscape Architect of Planning Department on the revised alignment of the proposed Emergency Vehicular Access;
- (c) to consult Water Supplies Department regarding the construction works of the proposed Emergency Vehicular Access; and

- (d) to note the comments of the Director of Agriculture, Fisheries and Conservation that there was a stream course adjacent to the application site and adequate measures should be implemented to avoid affecting the stream and the riparian vegetation during construction phase.

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

### **Tuen Mun and Yuen Long District**

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

### **Agenda Item 6**

#### **Section 16 Applications**

[Open Meeting (Presentation and Question Session only)]

- (i) A/TM-LTY Y/145 Renewal of Planning Approval for Temporary Car Exhibition Area and Office for a Period of 3 Years in "Village Type Development" zone, Lot 1996BRP in DD 130 and Adjoining Government Land, 22.5MS Castle Peak Road, Nai Wai, Tuen Mun  
(RNTPC Paper No. A/TM-LTY Y/145)
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#### **Presentation and Question Session**

54. Mr. W.M. Lam, STP/TMYL, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed renewal of the planning approval for temporary car exhibition area and office uses;
- (c) departmental comments – The Commissioner of Police (C of P) was concerned that frequent vehicular movements to/from the site might cause danger to the safety of pedestrians and other road users. The Assistant Commissioner for Transport/New Territories (AC for T/NT) advised that the applicant should submit a layout plan showing the vehicular run-in/out and arrangement of car parking spaces within the site;
- (d) one public comment was received during the statutory publication period raising objection to the application on the grounds that the proposed use had caused adverse impacts on the environment and extreme inconvenience to local residents and adversely affected the safety and health of the general public; and
- (e) the Planning Department (PlanD)'s views – the PlanD had no objection to the application for reasons as detailed in paragraph 12.1 of the Paper in that the proposed use was in line with the Town Planning Board Guidelines No. 34A for 'Renewal of Planning Approval and Extension of Time for Compliance with Planning Conditions for Temporary Use or Development'. The concerns of the C of P, AC for T/NT and the commenter could be addressed by incorporating relevant approval conditions and advisory clauses in paragraphs 12.3 and 12.4 of the Paper.

55. Members had no question on the application.

#### Deliberation Session

56. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 29.9.2009, 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 between 7:00 p.m. and 7:00 a.m. was allowed on the site during the planning approval period;
- (b) no lorries, container vehicles and heavy goods vehicles were allowed to be parked in/stored on the site at any time during the planning approval period;
- (c) no car repairing, dismantling and workshop activities should be undertaken within the site at any time during the planning approval period;
- (d) the drainage facilities implemented under Application No. A/TM-LTYY/112 on the application site should be maintained at all times during the planning approval period;
- (e) the submission of a layout plan showing the arrangement of the car parking spaces and proposal for vehicular access arrangement within the site within 6 months from the date of planning approval to the satisfaction of the Commissioner for Transport or of the TPB by 29.3.2007;
- (f) the implementation of the vehicular access arrangement within 9 months from the date of planning approval to the satisfaction of the Commissioner for Transport or of the TPB by 29.6.2007;
- (g) the provision of a 9-litre water type/3kg dry powder fire extinguisher in the site office within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 29.3.2007;
- (h) if any of the above planning conditions (a), (b), (c) or (d) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;

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

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

- (a) note the District Lands Officer/Tuen Mun, Lands Department's comments that there were existing structures, with a total built-over area of 164.82m<sup>2</sup>, on the subject lot and adjoining Government land for car exhibition, office and car repairing/maintenance purposes and no prior approval from his office had been given for these structures. The applicant would need to apply for short term waiver/short term tenancy for the unauthorized structures if the renewal application was approved;
- (b) note the Chief Building Surveyor/New Territories West, Buildings Department's comments that all unauthorized structures on site were liable to action under section 24 of the Buildings Ordinance (BO). The granting of planning approval should not be construed as an acceptance of the unauthorized structures on site under the BO. Use of containers as offices was considered as temporary buildings which were subject to control under Building (Planning) Regulations (B(P)R) Part VII. Formal submission of any proposed new building works for approval under the BO was required;
- (c) note the Assistant Commissioner for Transport/New Territories, Transport Department's comments that the run-in/out should be constructed in compliance with the current Highways Department Standard. Improper run-in/out constructed by means of concrete patch or other non-standard provisions might be removed without notice. No vehicle should be parked or stopped outside the lot on the existing footpath or cycle track and all

activities related to the subject lot should be carried out within the site;

- (d) note the Chief Engineer/Development (2), Water Supplies Department's (WSD) comment that a waterworks reserve within 1.5 metres from the centerline of a water main in the vicinity of the site should be provided to WSD. The Water Authority and his officers and contractors, his or their workmen should have free access at all times to the said area with necessary plant and vehicles for the purpose of laying, repairing and maintenance of water mains and all other services across, through or under it that the Water Authority might require or authorize. Government should not be liable to any damage whatsoever and howsoever caused arising from burst or leakage of the public water mains within and in close vicinity of the site; and
- (e) follow the environmental mitigation measures as set out in the "Code of Practice on Handling Environmental Aspects of Open Storage and Other Temporary Uses" issued by the Director of Environmental Protection to minimize any possible environmental nuisances.

[Open Meeting (Presentation and Question Session only)]

- (ii) A/TM-SKW/51 Proposed New Territories Exempted House (Small House) in "Green Belt" zone, Government Land adjacent to Lot 1287 in DD 375, So Kwun Wat, Tuen Mun  
(RNTPC Paper No. A/TM-SKW/51)
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#### Presentation and Question Session

58. Mr. W.M. Lam, STP/TMYL, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed New Territories Exempted House (NTEH) (Small House);

- (c) departmental comments – there was no adverse comment from concerned Government departments;
- (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 – the PlanD had no objection to the application for reasons as detailed in paragraph 13.1 of the Paper.

59. Members had no question on the application.

#### Deliberation Session

60. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 29.9.2010, 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 landscape proposals to the satisfaction of the Director of Planning or of the TPB;
- (b) the provision of drainage facilities to the satisfaction of the Director of Drainage Services or of the TPB; and
- (c) the provision of emergency vehicular access and fire fighting installations to the satisfaction of the Director of Fire Services or of the TPB.

61. The Committee also agreed to advise the applicant to note the Chief Engineer/Development (2), Water Supplies Department's comment that the site was located within the dam break flood plain of Low Gap No. 2/3 Dam of Tai Lam Chung Reservoir and the applicant should carry out an assessment of the impacts of dam break on the proposed New



Territories Exempted House and make his own provisions.

[Open Meeting (Presentation and Question Session only)]

- (iii) A/YL-HT/462 Temporary Container Trailer/Tractor Park  
for a Period of 3 Years  
in “Open Storage” and “Open Space” zones,  
Lots 487B(Part), 488(Part), 489A, 489BRP, 490RP,  
491RP, 494RP(Part), 495RP(Part), 496-500,  
501RP(Part), 504RP and 505(Part) in DD 124,  
Ha Tsuen, Yuen Long  
(RNTPC Paper No. A/YL-HT/462)
- 

Presentation and Question Session

62. Mr. W.M. Lam, STP/TMYL, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed temporary container trailer/tractor park;
- (c) departmental comments – the Director of Environmental Protection (DEP) did not support the application as there were sensitive uses located within 50m along the access leading to the site and environmental nuisance was expected;
- (d) one public comment was received during the statutory publication period raising objection to the application on the grounds that the subject use would increase the traffic flow, resulting in more traffic accidents, congestion and noise, impact on the local transport service and worsening of air quality in the area; and
- (e) the Planning Department (PlanD)’s views – the PlanD had no objection to

the application for reasons as detailed in paragraph 12.3 of the Paper in that the use was generally in line with the Town Planning Board Guidelines No. 13D for 'Application for Open Storage and Port Back-up Uses'. The environmental concerns raised by the DEP and the commenter could be addressed by incorporating the approval conditions recommended in paragraph 12.5(a) to (d) of the Paper. Regarding the traffic concerns of the commenter, the Assistant Commissioner for Transport/New Territories had no adverse comment on the application.

63. Members had no question on the application.

#### Deliberation Session

64. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 29.9.2009, 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. should be permitted at the site during the planning approval period;
- (b) no operation on Sundays and public holidays should be permitted at the site during the planning approval period;
- (c) no stacking of containers should be permitted at the site during the planning approval period;
- (d) no container repairing and workshop activities should be permitted at the site during the planning approval period;
- (e) the drainage facilities on the site should be maintained at all times during the planning approval period;
- (f) the paving and fencing of the site should be maintained at all times during

the planning approval period;

- (g) all the existing trees on site should be maintained at all times during the planning approval period;
- (h) the submission of a proper run-in proposal for the site within 3 months from the date of planning approval to the satisfaction of the Director of Highways or of the TPB by 29.12.2006;
- (i) in relation to (h) above, the provision of a proper run-in within 6 months from the date of planning approval to the satisfaction of the Director of Highways or of the TPB by 29.3.2007;
- (j) the provision of a 9-litre water type/3kg powder fire extinguisher for each of the site offices within 3 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 29.12.2006;
- (k) if any of the above planning conditions (a), (b), (c), (d), (e), (f) or (g) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (l) if the above planning condition (h), (i) or (j) was not complied with by the above specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and
- (m) upon expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the TPB.

65. The Committee also agreed to advise the applicant :

- (a) that shorter compliance periods were granted so as to closely monitor the

fulfilment of approval conditions imposed;

- (b) to note the District Lands Officer/Yuen Long, Lands Department's advice as stated in paragraph 10.1.1 of the Paper that the lots under application were Old Schedule Agricultural Lots. Under the Block Government Lease in which the lots were held, no structure was allowed to be erected without prior approval from his Office;
- (c) to submit records of the existing drainage facilities on the site to the Chief Engineer/Mainland North, Drainage Services Department;
- (d) to follow the latest "Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites" issued by the Environmental Protection Department to minimize potential environmental impacts on the surrounding areas;
- (e) to note the Assistant Commissioner for Transport/New Territories, Transport Department's comments as stated in paragraph 10.1.6 of the Paper 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;
- (f) to note the Chief Highway Engineer/New Territories West, Highways Department's comments as stated in paragraph 10.1.7 of the Paper that a run-in should be constructed in accordance with the latest version of the Highways Department Standard Drawings No. H1113 and H1114 or H5115 and H5116, whichever as appropriate, to suit the type of pavement of adjacent footpath, and his Office should not be responsible to maintain the access track between the site and the road adjacent to Hung Tin Road;
- (g) to note the Chief Building Surveyor/New Territories West, Buildings Department's comments as stated in paragraph 10.1.8 of the Paper that the granting of planning approval should not be construed as condoning 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 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 19(3) at the building plan submission stage; and

- (h) to note the Chief Engineer/Development (2), Water Supplies Department's (WSD) advice as stated in paragraph 10.1.11 of the Paper that the applicant needed to extend his/her inside services to the nearest suitable government water mains for connection. The applicant should resolve any land matter 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 standards.

[Open Meeting (Presentation and Question Session only)]

- (iv) A/YL-HT/463 Temporary Open Storage of Scarp Metals  
for a Period of 3 Years  
in "Open Space" zone, Lots 480ARP(Part), 485,  
486(Part), 487A, 487B(Part) and 488(Part) in DD 124,  
Ha Tsuen, Yuen Long  
(RNTPC Paper No. A/YL-HT/463)
- 

#### Presentation and Question Session

66. Mr. W.M. Lam, STP/TMYL, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed temporary open storage of scrap metals use;

- (c) departmental comments – there was no adverse comment from concerned Government departments;
- (d) one public comment was received during the statutory publication period raising objection to the application on the grounds that the open storage uses in the surrounding areas had already caused severe traffic and noise nuisance to the nearby residents, and the storage of scrap metals at the site might cause soil contamination and air pollution and seriously affect the environment and health of the nearby residents; and
- (e) the Planning Department (PlanD)'s views – the PlanD had no objection to the application for reasons as detailed in paragraph 12.2 of the Paper in that the use was generally in line with the Town Planning Board Guidelines No. 13D for 'Application for Open Storage and Port Back-up Uses'. Regarding the public comment, the Director of Environmental Protection had no adverse comment on the application, and the concern could be addressed by incorporating the approval conditions recommended in paragraph 12.4(a) to (d) of the Paper.

67. Members had no question on the application.

#### Deliberation Session

68. A Member noted that the application site was the subject of a previous planning approval (Application No. A/YL-HT/407) for the same use which was revoked due to non-compliance with approval conditions. This Member asked whether the applicant had indicated in the current application how the outstanding approval conditions would be complied with. Mr. Wilson Y.L. So, DPO/TMYL, replied that the previous approval was revoked due to non-compliance with the approval condition relating to the provision of replacement planting, while all other approval conditions were fulfilled. In support of the current application, the applicant had submitted a landscape proposal, on which the PlanD had no adverse comment.

69. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 29.9.2009, 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 between 11:00 p.m. and 7:00 a.m. was allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays was allowed on the site during the planning approval period;
- (c) no workshop activities including dismantling, repairing, melting and cleansing should be carried out on the site at any time during the planning approval period;
- (d) no handling (including loading, unloading and storage) of electronic waste and plastic waste should be carried out on the site at any time during the planning approval period ;
- (e) the existing drainage facilities on the site should be maintained at all times during the planning approval period;
- (f) the submission of landscape and tree preservation proposals within 3 months from the date of approval to the satisfaction of the Director of Planning or of the TPB by 29.12.2006;
- (g) in relation to (f) above, the implementation of landscape and tree preservation proposals within 6 months from the date of approval to the satisfaction of the Director of Planning or the TPB by 29.3.2007;
- (h) the submission of a condition record of the existing drainage facilities within 3 months from the date of approval to the satisfaction of the Director of Drainage Services or the TPB by 29.12.2006;

- (i) the submission of run-in proposals within 3 months from the date of approval to the satisfaction of the Director of Highways or the TPB by 29.12.2006;
- (j) in relation to (i) above, the implementation of run-in proposals within 6 months from the date of approval to the satisfaction of the Director of Highways or the TPB by 29.3.2007;
- (k) the provision of 9-litre water type/3 kg dry powder fire extinguisher each in the site offices within 3 months from the date of approval to the satisfaction of the Director of Fire Services or of the TPB by 29.12.2006;
- (l) if any of the above planning conditions (a), (b), (c), (d) or (e) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (m) if any of the above planning condition (f), (g), (h), (i), (j) or (k) was not complied with by the above specified date, the approval hereby given should cease to have effect and should be revoked without further notice; and
- (n) 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.

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



71. 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 District Lands Officer/Yuen Long for short term wavier for erection of structures on the site;
- (c) follow the environmental mitigation measures as recommended in the “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Director of Environmental Protection in order to minimize the potential environmental impacts on the adjacent area;
- (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 Highways Engineer/New Territories West that a run-in should be constructed in accordance with the latest version of Highways Department Standard Drawings No. H1113 and H1114 or H5115 and H5116, whichever as appropriate, to suit the type of pavement of adjacent footpath;
- (f) note the comments of the Chief Highways Engineer/New Territories West, Highways Department that his Office was not responsible for maintenance of the access track between the site and Ping Ha Road;
- (g) note the comments of the Chief Town Planner/Urban Design & Landscape to allow sufficient clearance between the existing tree and stored materials in order to protect the aforesaid tree;

- (h) note the comments of the Chief Engineer/Development (2), Water Supplies Department that the applicant should extend the inside services to the nearest suitable government water mains for provision of water supply to the site and 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 to Water Supplies Department's standard; and
- (i) note the comments of the Chief Building Surveyor/New Territories West, Buildings Department that all building works were subject to compliance with the Buildings Ordinance. Authorized Person must be appointed to coordinate all building works. The granting of planning approval should not be construed as an acceptance of the unauthorized structures on site under the Buildings Ordinance. Enforcement action might be taken to effect the removal of all unauthorized works in the future.

[Mr. Elvis W.K. Au left the meeting temporarily at this point.]

[Open Meeting (Presentation and Question Session only)]

- (v) A/YL-KTN/257 Proposed Three New Territories Exempted Houses (Small Houses) in "Agriculture" zone, Lots 60H, 60I and 60J in DD 110, Tai Kong Po, Kam Tin, Yuen Long  
(RNTPC Paper No. A/YL-KTN/257)
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#### Presentation and Question Session

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

- (a) background to the application;
- (b) the proposed New Territories Exempted Houses (NTEHs) (Small Houses);

- (c) departmental comments – the Director of Agriculture, Fisheries and Conservation did not favour the application as the application site could be rehabilitated for agricultural use. Other Government departments had no adverse comments 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 – the PlanD had no objection to the application for reasons as detailed in paragraph 11.1 of the Paper in that the application site had a building land status under the lease and sympathetic consideration might be given according to the interim criteria for consideration of applications for NTEH/Small House. The proposed NTEHs were considered not incompatible with the surrounding village settlement of Tai Kong Po.

73. Referring to Plan A-2 of the Paper, a Member asked whether the proposed development would affect the vehicular access currently linking the application site with Kong Tai Road. Mr. Wilson Y.L. So, DPO/TMYL, replied that the access would not be affected.

#### Deliberation Session

74. The Secretary noted that there was an existing track passing through the site and asked whether the track would still be available for public use after development of the proposed NTEHs. Referring to Drawing A-2 of the Paper, Mr. Wilson Y.L. So said that the applicant had suggested to setback the proposed developments at Lots 60sI and 60sJ in DD110 in order to maintain an uninterrupted public access on the track. An approval condition requiring the setback was recommended at paragraph 11.2(a) of the Paper for Members' consideration.

75. A Member asked whether the Government would take up the responsibility of the maintenance of the track. Mr. Wilson Y.L. So replied that since the track was not provided by

the Government and was located on private land, it would not be maintained by the Government.

76. 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 29.9.2010, 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 setting back of the proposed developments at Lots 60sI and 60sJ in DD 110 to maintain an uninterrupted public access to the satisfaction of the Director of Planning or of the TPB;
- (b) the submission and implementation of landscape proposals to the satisfaction of the Director of Planning or of the TPB; and
- (c) the submission and implementation of drainage proposals to the satisfaction of the Director of Drainage Services or of the TPB.

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

- (a) note the Chief Town Planner/Urban Design and Landscape, Planning Department's comment that all landscape plantings should be provided at grade and potted plants would not be accepted;
- (b) note Chief Highway Engineer/Mainland North, Drainage Services Department's comment that the site was in an area where there was no proper public drainage system was available. The area was probably being served by some of the existing local village drains. The District Officer/Yuen Long should be consulted on such village drains as necessary. The applicant should clarify whether boundary wall would be constructed for the development. Details of all proposed works at the site boundary, including the boundary wall, should be included for indication of

unobstructed flow of surface runoff from the adjacent areas. In case solid boundary wall was used, channels of adequate sizes on both sides of the wall or adequate openings at the foot of the wall should be provided to avoid the wall obstructing the existing flow paths. The District Lands Officer/Yuen Long (DLO/YL) or relevant lot owners should be consulted regarding all proposed drainage works outside the lot boundary or the applicant's jurisdiction. All proposed drainage facilities should be constructed and maintained by the developer at his own cost. The applicant should revise the drainage proposal regarding the sandtrap for the Small House at Lot 60sJ in DD 110 which disconnected with the proposed 300mm diameter underground pipe nearby;

- (c) note the Director of Fire Services's comment that the emergency vehicular access (EVA) and the fire hydrant would be required in accordance with the 'New Territories Exempted Houses – a Guide to Fire Safety Requirements' newly issued by Lands Department. Detailed fire safety requirements on EVA and fire hydrant would be formulated upon the receipt of formal application referred by DLO/YL;
- (d) note the Chief Engineer/Development (2), Water Supplies Department's comment that water mains in the vicinity of the sites could not provide the standard fire-fighting flow;
- (e) note the Chief Building Surveyor/New Territories West, Buildings Department's comment that all non-exempted ancillary site formation and/or communal drainage works were subject to compliance with the Buildings Ordinance, and Authorized Person had to be appointed for the above site formation and communal drainage works;
- (f) note the Director of Electrical and Mechanical Services' comment that prior to establishing any structure within the above site, the applicant and his contractors should consult CLP Power Hong Kong Limited (CLPP) in respect of the safety clearances required for activities near the overhead

lines. In the circumstance that the safety clearances of the concerned overhead lines were insufficient or electrical danger might arise due to their proximity to the subject development, the applicant and his contractors should liaise directly with CLPP to divert the concerned sections of the overhead lines or had them replaced by underground cables. The “Code of Practice on Working near Electricity Supply Lines” established under the Electricity Supply Lines (Protection) Regulation (Cap. 406H) should be observed by the applicants and his contractors when carrying out any works in the vicinity of the electricity supply lines.

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

[Open Meeting (Presentation and Question Session only)]

- (vi) A/YL-KTN/258 Temporary Open Storage of Construction Materials for a Period of 3 Years in “Other Specified Uses” annotated “Railway Reserve” zone, Lots 431(Part), 432(Part), 433A(Part), 433B(Part), 433C(Part), 434(Part), 1738(Part) and 1739RP(Part) in DD 107 and Adjoining Government Land, Kam Tin, Yuen Long (RNTPC Paper No. A/YL-KTN/258)
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#### Presentation and Question Session

78. Mr. W.M. Lam, STP/TMYL, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed temporary open storage of construction materials;
- (c) departmental comments – the Assistant Commissioner for Transport/New Territories did not support the application since the proposed ingress/egress point was too close to an existing road junction and was not desirable from

traffic engineering point of view. The Director of Environmental Protection also did not support the application as the use would cause environmental nuisance to the sensitive uses including residential dwellings in the vicinity of the site. The Chief Engineer/Mainland North, Drainage Services Department considered that the applicant's drainage proposal was not satisfactory as there was insufficient information provided and part of the proposed access would deck over an existing drainage channel, making the maintenance of the channel difficult;

- (d) one public comment was received during the statutory publication period raising objection to the application on the grounds that the use would affect the livelihood of nearby residents and create serious damages to the rural environment; and
- (e) the Planning Department (PlanD)'s views – the PlanD did not support the application for reasons as detailed in paragraph 12.2 of the Paper in that the application did not comply with the Town Planning Board Guidelines No. 13D for 'Application for Open Storage and Port Back-up Uses' as there were adverse departmental comments on the proposed use. Although planning approvals for temporary use were previously granted for the application site (Applications No. DPA/YL-KTN/33 and A/YL-KTN/14), they did not constitute precedents for approval of the current application as the first one was approved in 1993 when the site was zoned "Open Storage" and the other one was for car park use which was different in nature from open storage use.

79. Noting the concern of the Transport Department on the safety impact of the proposed vehicular ingress/egress point on the nearby road junction, a Member asked why the previous application No. A/YL-KTN/14, which was for car park use and was expected to have more frequent vehicular ingress/egress movements, had been approved. Mr. Wilson Y.L. So, DPO/TMYL, replied that the previous application was approved in 1996 and the traffic at that time might be less than the current situation. Referring to Plan A-2 of the Paper, Mr. Y.M. Lee said that the proposed ingress/egress point at the site was too close to the junction between San

Tam Road and a local road beneath San Tin Highway. The vehicles turning from the local road would not have sufficient response time to avoid conflict with vehicular movements at the proposed ingress/egress point of the site. The safety of pedestrians crossing the roads might also be affected.

### Deliberation Session

80. A Member said that the traffic in 1996 might be less than today and it was appropriate to adopt a more stringent approach in assessing the application in view of the concerns raised by the Transport Department.

81. 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 No. 13D for ‘Application for Open Storage and Port Back-up Uses’ in that 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)]

- (vii)        A/YL-KTN/259        Renewal of Planning Approval for  
Temporary Storage of Household Goods and Food  
for a Period of 3 Years  
in “Other Specified Uses” annotated “Railway Reserve” zone,  
Lots 423RP and 428RP in DD 107 and  
Adjoining Government Land, Kam Tin, Yuen Long  
(RNTPC Paper No. A/YL-KTN/259)
- 

Presentation and Question Session



82. Mr. W.M. Lam, STP/TMYL, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application, highlighting that previous approval for the same use had been given (Application No. A/YL-KTN/180) and all approval conditions had been complied with;
- (b) the proposed renewal of the planning approval for temporary storage of household goods and food use;
- (c) departmental comments – there was no adverse comment from concerned Government departments. The Chief Engineer/Railway Development(1), Highways Department (CE/RD(1), HyD) advised that based on the KCRC's programme for the Northern Link/Express Rail Link, the site might only be required for implementation of the railway project in 2009 at the earliest;
- (d) one public comment was received during the statutory publication period raising objection to the application on the grounds that the use would affect the livelihood of nearby residents and have adverse impacts on the traffic, environment and ecology in the area; and
- (e) the Planning Department (PlanD)'s views – the PlanD had no objection to the application for reasons as detailed in paragraph 12.2 of the Paper in that the use was in line with the Town Planning Board Guidelines No. 13D for 'Application for Open Storage and Port Back-up Uses'. To address the local concerns on the proposed use, planning conditions to minimize the environmental nuisance of the use were recommended in paragraph 12.4(a) to (d) of the Paper. Taking into account the advice of the CE/RD(1), HyD, it was recommended that a shorter approval period of two years should be given in order not to jeopardise the construction programme of the railway project.

83. Members had no question on the application.

Deliberation Session

84. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 2 years until 29.9.2008, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no night-time operation between 11:00 p.m. and 7:00 a.m. was allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays was allowed on the site during the planning approval period;
- (c) no heavy vehicle was allowed on site at any time during the planning approval period;
- (d) no workshop and industrial activities should be carried out on site at any time during the planning approval period;
- (e) the existing landscape planting on the site should be maintained at all times during the planning approval period;
- (f) the drainage facilities implemented under Application No.A/YL-KTN/180 on the site should be maintained at all times during the planning approval period;
- (g) a minimum headroom clearance of 5.5m between any building/structure/equipment within the site and the 400kV transmission lines should be maintained during the planning approval period to the satisfaction of the Director of Electrical and Mechanical Services or of the TPB;
- (h) 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 29.3.2007;

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

85. The Committee also agreed to advise the applicant :

- (a) that a shorter approval period of 2 years was granted in order not to jeopardise the construction programme of the railway;
- (b) to resolve any land issues relating to the development with the concerned owner(s) of the application site;
- (c) to note the District Lands Officer/Yuen Long, Lands Department's comments that the applicant should apply to his office immediately for regularization of the excessive built over area and change of user in respect of Short Term Waiver (STW) No. 1904, and either set back the site to exclude the unauthorized occupation on the unleased Government land or apply to his office for a short term tenancy to regularize the unauthorized occupation of that Government land. Notwithstanding the above, his office did not guarantee that the application could be approved. If the regularization proposal was rejected and the irregularities persisted on site,

his office would consider appropriate lease enforcement/land control action against the registered owner/occupier, which might include termination of the existing STW;

- (d) to note the Assistant Commissioner for Transport/New Territories, Transport Department's comments that the land status and the management and maintenance responsibility of the proposed vehicular access leading to the site from Fung Kat Heung Road should be checked;
- (e) to note the Chief Highway Engineer/New Territories West, Highways Department's comments that Highways Department was not/should not be responsible for the maintenance of Fung Kat Heung Road;
- (f) to note the Chief Engineer/Railway Development (1), Railway Development Office, Highways Department's comment that KCRC should have the right to access the site to carry out ground investigation works;
- (g) to note the Chief Building Surveyor/New Territories West, Buildings Department's comments that all unauthorized building works/structures should be removed. All building works were subject to compliance with Buildings Ordinance. Authorized Person had to 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;
- (h) to adopt 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 Environmental Protection Department to minimize any possible environmental nuisances; and
- (i) to note the Director of Electrical and Mechanical Services' s comments that no new structure/building should be erected within the 50-metre working



[Open Meeting (Presentation and Question Session only)]

- (ix) A/YL-NSW/171 Proposed Public Utilities Installation  
(Underground Power Transmission Cable)  
in “Other Specified Uses” annotated “Comprehensive  
Development and Wetland Enhancement Area 1”  
 (“OU(CDWEA)1”) and “OU(CDWEA)2” zones,  
Government Land, Nam Sang Wai, Yuen Long  
(Footpath and Roadside Verge of Nam Sang Wai Road)  
(RNTPC Paper No. A/YL-NSW/171)
- 

Presentation and Question Session

88. Mr. W.M. Lam, STP/TMYL, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed underground power transmission cable;
- (c) departmental comments – there was no adverse comment from concerned Government departments. The Director of Agriculture, Fisheries and Conservation advised that appropriate mitigation measures such as reinstatement of the planting areas and replanting/transplanting of trees affected by the proposed development should be carried out, and no construction works should be conducted from November to March to avoid possible noise impact on migrating waterbirds. Also, a temporary vehicular access to the warden post of the Agriculture, Fisheries and Conservation Department should be maintained during the construction period;
- (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 – the PlanD had no objection to the application for reasons as detailed in paragraph 12.2 of the Paper.

89. Members had no question on the application.

Deliberation Session

90. 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 29.9.2010, 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) no construction works should be carried out during the period from November to March;
- (b) a temporary vehicular access to the warden post of the Agriculture, Fisheries and Conservation Department should be provided and maintained during the construction period of the proposed development to the satisfaction of the Director of Agriculture, Fisheries and Conservation (DAFC) or of the TPB;
- (c) appropriate mitigation measures such as reinstatement of the planting areas and replanting/transplanting of trees affected by the proposed development should be carried out in the mitigation planting areas for the Main Drainage Channel for Ngau Tam Mei, Yuen Long and Kam Tin Stage 1, Contract A & B (Shan Pui River and Kam Tin River) to the satisfaction of the DAFC or of the TPB; and
- (d) submission and implementation of a landscape and tree preservation proposal to the satisfaction of the Director of Planning or of the TPB.

91. The Committee also agreed to advise the applicant :

- (a) to note the Chief Highway Engineer/New Territories West, Highways

Department's advice as stated in paragraph 10.1.5 of the Paper to :

- (i) obtain Excavation Permit from his Office prior to commencement of any excavation works on public roads maintained by his Office;
  - (ii) ensure that the requirements as stipulated in the Highways Department Technical Circular No. 3/90 – Minimum Cover Requirement for Underground Services was fulfilled;
  - (iii) lay the cables preferably under the footpath instead of carriageway;
  - (iv) take adequate precaution and exercise extreme care to avoid damage or settlement to adjacent public roads during the construction of the cabling works, reinstate any damage or settlement to the adjacent public roads so caused by the proposed works to the satisfaction of his Office at the applicant's expense, and advise his Office of any regular survey system to monitor the settlement of the public roads in the vicinity of the proposed works during construction and report any such damage or settlement to his Office immediately; and
  - (v) ascertain that no sewer, drain or utility would be affected/damaged by the proposed works and bear the cost for any necessary repair works and any consequence so caused by the proposed works if any sewer, drain or utility was so damaged.
- (b) to note the Chief Engineer/Mainland North, Drainage Services Department's advice, as stated in paragraph 10.1.6 of the Paper, to visit his Drawing Office to inspect the relevant drainage record drawings currently available as the site was located in an area where public drainage system was available in the vicinity, and to consult the Chief Engineer/Sewerage Projects, Drainage Services Department (DSD) as the proposed works were in close proximity to the sewerage works under DSD Contract DC/2005/02, namely "Construction of Sewers, Rising Mains and Sewage Pumping



Stations at Kam Tin, Nam Sang Wai and Au Tau in Yuen Long”; and

- (c) to note the Chief Engineer/Development (2), Water Supplies Department’s advice, as stated in paragraph 10.1.8 of the Paper, to ensure that the existing water mains would not be affected and to contact his project consultants for details of the Project on “Replacement and Rehabilitation of Water Mains, Stage 2” which was scheduled to start in early 2007 for completion in mid 2011 tentatively and work out the interface arrangement where necessary.

[Open Meeting (Presentation and Question Session only)]

- (x) A/YL-NSW/172 Proposed Comprehensive Residential Development in “Undetermined” zone, Lots 592C1(Part), 592CRP(Part) and 1252RP(Part) in DD 115, Nam Sang Wai, Yuen Long  
(RNTPC Paper No. A/YL-NSW/172)
- 

#### Presentation and Question Session

92. This application was submitted by a subsidiary company of the Sun Hung Kai Properties Limited (SHKPL), and Mr. Alfred Donald Yap and Mr. Y.K. Cheng had declared interests in this item for having current business dealings with SHKPL. Mr. Yap had tendered his apologies for being unable to attend the meeting. The Committee noted that the applicant requested on 15.9.2006 for a deferment of the consideration of the application to allow time to address the comments of relevant Government departments, and agreed that Mr. Cheng could stay at the meeting.

#### Deliberation Session

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

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

[Open Meeting (Presentation and Question Session only)]

- (xi)           A/YL-SK/134           Proposed Private Swimming Pool Ancillary to 36 Approved  
New Territories Exempted Houses  
in “Village Type Development” and “Agriculture” zones,  
Lots 1067C1-C16, C18, C24, C25, C27, C29-C38, CRP, D1,  
D2, 1245A-1245C and 1032 in DD 106,  
Kam Tin, Yuen Long  
(RNTPC Paper No. A/YL-SK/134)
- 

Presentation and Question Session

94.           Mr. W.M. Lam, STP/TMYL, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed private swimming pool;
- (c) departmental comments – the Director of Agriculture, Fisheries and Conservation did not favour the application since there was active agricultural activity in the vicinity of the application site. Other Government departments had no adverse comments 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 – the PlanD had no objection to the application for reasons as detailed in paragraph 11.1 of the Paper in that the proposed swimming pool was not incompatible with the surrounding Small Houses and rural landscape setting and was not expected to generate

adverse environmental and drainage impacts on the surrounding areas. Although the proposed swimming pool was located within the “Agriculture” zone, the subject area was part of a construction site for Small House developments.

95. Members had no question on the application.

#### Deliberation Session

96. 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 29.9.2010, 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 proposal to the satisfaction of the Director of Drainage Services or of the TPB; and
- (b) the submission and implementation of a landscaping proposal to the satisfaction of the Director of Planning or of the TPB.

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

- (a) note the District Lands Officer/Yuen Long’s comments that the subject lot for the proposed swimming pool was an old schedule agricultural lot held under the Block Lease under which no structures were allowed to be erected without prior approval from his Office. The applicant should apply to his Office for a short term waiver to regularize the swimming pool as proposed;
- (b) note the Director of Environmental Protection’s comments that regarding the discharge of the swimming pool water, any wastewater discharge from the proposed use was controlled under the Water Pollution Control Ordinance, and the applicant should contact his Regional Office (North) for

more details;

- (c) note the Chief Engineer/Development (2), Water Supplies Department's comments that for provision of water supply to the development, the applicant might need to extend his inside services to the nearest suitable government water mains for connection and should resolve any land matter (such as private lots) associated with the provision of water supply. The applicant should be responsible for the construction, operation and maintenance of the inside services within the private lots to Water Supplies Department's standards. Furthermore, the use of fresh water from government water mains for the purpose of swimming pool might be given on concessionary supply basis; and
  
- (d) note the Chief Building Surveyor/New Territories West, Buildings Department's comments that any unauthorized building works carried out on the swimming pool site were subject to enforcement action under section 24 of the Buildings Ordinance (BO), and the granting of planning approval should not be construed as condoning any structures existing on the swimming pool site under the BO and the allied regulations. Actions appropriate under the said Ordinance or other enactment might be taken if contravention was found and formal submission of any proposed new works for approval under the BO was required. It was noted that there would be filtration plant room and pump room for the swimming pool but the details, e.g. gross floor area calculation, were not provided. The proposed plot ratio/site coverage should not exceed the limit permitted under the First Schedule of the Building (Planning) Regulations (B(P)R). If the swimming pool site was not abutting on a street having a width of not less than 4.5m, the development intensity should be subject to B(P)R 19(3) at the building plan submission stage. Moreover, it was noted that access to the application site was not shown on the proposal. The applicant should provide the access under B(P)R 5 and B(P)R 41D.

[Open Meeting (Presentation and Question Session only)]

- (xii) A/YL-NTM/201 Temporary Container Storage and Container Vehicle Park with Ancillary Repairing Workshop for a Period of 3 Years in “Open Storage” zone,  
Lots 2805RP, 2849(Part), 2899(Part), 2911, 2915(Part), 2916(Part), 2917(Part), 2918(Part), 2919, 2922, 2923, 2925-2927, 2929, 2930, 2931RP, 2932, 2935RP, 2937RP, 2938RP, 2939RP, 2940-2945, 2951, 2952 and 2953RP in DD 102 and Adjoining Government Land,  
Ngau Tam Mei, Yuen Long  
(RNTPC Paper No. A/YL-NTM/201)
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98. Ms. Carmen K.M. Chan declared an interest in this item as she knew one of the owners of the subject lots, but no business dealing was involved. The Committee agreed that Ms. Chan could stay at the meeting during the deliberation on and determination of this item.

#### Presentation and Question Session

99. Mr. W.M. Lam, STP/TMYL, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application, highlighting that the application site was the subject of ten previous approvals, with the latest one (Application No. A/YL-NTM/171) granted for the same use for a temporary period of two years in September 2004 but was revoked in March 2006 due to non-compliance with approval conditions on the implementation of landscape proposals and the provision of paving and fencing works;
- (b) the proposed temporary container storage and container vehicle park with ancillary repairing workshop;
- (c) departmental comments – the Director of Environmental Protection (DEP) did not support the application for reason that environmental nuisance on the sensitive uses in the vicinity of the site was expected. The Chief

Engineer/Mainland North (CE/MN) and Chief Engineer/Drainage Projects (CE/DP), Drainage Services Department advised that part of the application site encroached onto the works limit of the “Drainage Improvement in Northern NT Package B – Drainage Improvement Works in Ki Lun Tsuen, Yuen Long, New Territories” project and the applicant should be requested to set back the site boundary. Other Government departments had no adverse comment on the application;

- (d) one public comment was received during the statutory publication period raising objection to the application on the grounds that the proposed use was incompatible with the surroundings and would spoil the environment and disrupt the natural ecology; and
- (e) the Planning Department (PlanD)’s views – the PlanD had no objection to the application for reasons as detailed in paragraph 12.2 of the Paper in that the use was generally in line with the planning intention of the “Open Storage” (“OS”) zone and the Town Planning Board Guidelines No. 13D for ‘Application for Open Storage and Port Back-up Uses’. To address the concerns of the DEP and the CE/MN and CE/DP of DSD, approval conditions requiring the setback of the site boundary and restricting the operation hours of the use were recommended in paragraph 12.4(a) to (c) of the Paper. Regarding the public comment, the proposed use was located within the “OS” zone and the DAFC had no adverse comment on the application from the ecological point of view. As the previous approval for the same use had been revoked due to non-compliance with approval conditions, shorter approval and compliance periods were recommended for this application for closer monitoring on the fulfilment of approval conditions.

100. Members had no question on the application.

Deliberation Session

101. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 2 years until 29.9.2008, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) the setting back of the site boundary to avoid encroachment onto the works limit of the “Drainage Improvement in Northern NT Package B – Drainage Improvement Works in Ki Lun Tsuen, Yuen Long, N.T.” project as when required by Government departments;
- (b) no night-time operation between 11:00 p.m. and 8:00 a.m. was allowed on the site during the planning approval period;
- (c) no operation on Sundays or public holidays was allowed on the site during the planning approval period;
- (d) the submission of vehicular access proposals for the site within 3 months from the date of planning approval to the satisfaction of the Commissioner for Transport or of the TPB by 29.12.2006;
- (e) in relation to (d) above, the implementation of vehicular access proposals within 6 months from the date of planning approval to the satisfaction of the Commissioner for Transport or of the TPB by 29.3.2007;
- (f) the submission of landscape and tree preservation proposals within 3 month from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 29.12.2006;
- (g) in relation to (f) above, the implementation of landscape and tree preservation proposals within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 29.3.2007;
- (h) the submission of a Drainage Impact Assessment within 3 months from the date of the planning approval to the satisfaction of the Director of Drainage

Services or of the TPB by 29.12.2006;

- (i) in relation to (h) above, the implementation of flood mitigation measures and provision of drainage facilities as identified in the Drainage Impact Assessment within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 29.3.2007;
- (j) the provision of fencing of the site within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 29.12.2006;
- (k) if any of the above planning conditions (a), (b) or (c) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (l) if any of the above planning condition (d), (e), (f), (g), (h), (i) or (j) was not complied with by the above specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and
- (m) upon 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.

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

- (a) resolve any land issue relating to the development with the concerned owner(s) of the application site;
- (b) note that a shorter approval period of 2 years and shorter compliance periods were imposed in order to monitor the fulfillment of approval conditions;



- (c) apply to the District Lands Office/Yuen Long (DLO/YL) for short term waiver for erection of structures on the site and short term tenancy for occupation of Government land;
- (d) note the advice of the Chief Engineer/Mainland North, Drainage Services Department to consult the DLO/YL regarding all the proposed drainage works outside the site boundary, to construct and maintain all proposed drainage facilities at his own costs, not to disturb or block all existing drains, channels and streams within and in its vicinity of the site, and that no public sewerage maintained by his Office was currently available for connection;
- (e) note the advice of the Chief Engineer/Development(2), Water Supplies Department (WSD) to bear the cost of any necessary diversion works of existing water mains affected by the proposed development and, in case it was not feasible to divert the affected water mains, to provide a waterworks reserve within 1.5m from the centerline of the water main to WSD. No structure should be erected over this waterworks reserve and such area should not be used for storage purposes. The Water Authority and his officers and contractors, his or their workmen should have free access at all times to the said area with necessary plant and vehicles for the purpose of laying, repairing and maintenance of water mains and all other services across, through or under it that the Water Authority might require or authorize. The Government should not be liable to any damage whatsoever and howsoever caused arising from burst or leakage of the public water mains within and in close vicinity of the site;
- (f) note the advice of the Assistant Commissioner for Transport, Transport Department to check the management and maintenance responsibility of the proposed access road between the site and Kwun Tung Road and that since the proposed access road would pass through Lots No. 2804RP and 2806RP in D.D. 102, the right-of-way might not be guaranteed;

- (g) note the comment of the Chief Highway Engineer/New Territories West, Highways Department that his Office was not responsible for the maintenance of any existing vehicular access connecting the site and Kwu Tung Road;
- (h) comply with the environmental mitigation measures recommended in the “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” as issued by the Director of Environmental Protection in order to minimize the possible environmental nuisance;
- (i) note the comment of the Director of Agriculture, Fisheries and Conservation that mitigatory and safety measures must be taken and the existing access roads, water sources and drainage should be maintained in order not to cause any disturbance to the fish pond farming;
- (j) approach the Dangerous Goods Division of Fire Services Department for advice on licensing of the site for repairing workshop purpose; and
- (k) note the comment of the Chief Building Surveyor/New Territories West, Buildings Department that all building works were subject to compliance with the Buildings Ordinance, and Authorized Person had to 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 and enforcement action might be taken to effect the removal of all unauthorized works in the future.

[Open Meeting (Presentation and Question Session only)]

- (xiii) A/YL-NTM/202 Temporary Container Vehicle Park with Ancillary Vehicle Repairing Workshop for a Period of 3 Years in “Open Storage” zone, Lots 385, 386RP(Part), 389(Part), 390(Part) and 391 in DD 105 and Adjoining Government Land, Ngau Tam Mei, Yuen Long (RNTPC Paper No. A/YL-NTM/202)
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103. The Committee noted that Dr. James C.W. Lau had declared an interest in this item for having current business dealings with the Top Bright Consultants Limited which was the consultant for the applicant. Dr. Lau had tendered his apologies for being unable to attend the meeting.

#### Presentation and Question Session

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

- (a) background to the application, highlighting that previous approval for the same use for a temporary period of three years was given in September 2003 (Application No. A/YL-NTM/153) and all approval conditions had been fulfilled;
- (b) the proposed temporary container vehicle park with ancillary vehicle repairing workshop;
- (c) departmental comments – the District Lands Officer/Yuen Long (DLO/YL) did not support the application as the relevant land owners and operator of the use failed to apply for short term waiver (STW) for regularization of structures erected on site and short term tenancy (STT) for occupation of Government land despite his issuance of advisory letters;
- (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 – the PlanD had no objection to the application for reasons as detailed in paragraph 12.2 of the Paper in that the application was in line with the Town Planning Board Guidelines No. 13D for 'Application for Open Storage and Port Back-up Use'. To address the comment of DLO/YL, an advisory clause was suggested in paragraph 12.4(b) of the Paper to remind the applicant to apply for STW and STT in respect of the use.

105. Members had no question on the application.

#### Deliberation Session

106. A Member noted that the application site was located in the vicinity of areas covered by vegetation and asked why the site was zoned "Open Storage" ("OS"). Referring to Plan A-2 of the Paper, Mr. Wilson Y.L. So, DPO/TMYL, said that the site was part of an extensive "OS" zone along the south of San Tin Highway. Majority of the areas within the "OS" zone had previously been zoned "Green Belt" ("GB"), which was rezoned to "OS" in 1999 with a view to compensating the reduction of land for open storage and port back-up uses after the rezoning of an "Other Specified Uses" annotated "Container Back-up Uses" zone in San Tin to "Conversation Area" as recommended in the Fish Pond Study. Much agricultural land within the "OS" zone had already been converted to open storage uses while the vegetated areas to the south of the site were protected under the "GB" zoning.

107. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 29.9.2009, 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 between 6:00 p.m. and 9:00 a.m. was allowed on the site during the planning approval period;
- (b) no operation on Sundays or public holidays was allowed on the site during the planning approval period;

- (c) the existing landscape planting on the site should be maintained at all times during the planning approval period;
- (d) the existing drainage facilities on the site should be maintained at all times during the planning approval period;
- (e) the provision of replacement planting for the site within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 29.3.2007;
- (f) the submission of run-in proposals within 6 months from the date of planning approval to the satisfaction of the Director of Highways or of the TPB by 29.3.2007;
- (g) in relation to (f) above, the implementation of run-in proposals within 9 months from the date of planning approval to the satisfaction of the Director of Highways or of the TPB by 29.6.2007;
- (h) the provision of a 9-litre water type/3 kg dry powder fire extinguisher in each of the site offices within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 29.3.2007;
- (i) if any of the above planning conditions (a), (b), (c) or (d) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (j) if any of the above planning condition (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.

108. 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 District Lands Office/Yuen Long (DLO/YL) for short term waiver for erection of structures on the site and short term tenancy for occupation of Government Land and note the comments of DLO/YL that the total built-over area of the structures on site should be clarified;
- (c) note the comments of the Chief Engineer/Mainland North, Drainage Services Department that the applicant was required to provide a set of record photographs showing the completed drainage works with corresponding locations marked clearly on the approved drainage plan. His Office would inspect the implemented drainage works jointly with the applicant with reference to the set of photographs. The applicant should also be fully responsible for the proper maintenance of the drainage facilities. Furthermore, no public sewerage maintained by his Office was currently available for connection. Agreement from the Director of Environmental Protection should be obtained for sewage disposal and treatment;
- (d) note the comments of the Chief Highway Engineer/New Territories West, Highways Department that a run-in should be constructed at the access point in accordance with the latest version of Highways Department Standard Drawings No. H1113 and H1114 or H5115 and H5116 whichever as appropriate to match the pavement type of adjacent footpath, details of the drainage and peripheral fencing at the northern boundary of the site

should be submitted for his further comment, and his Office was not responsible for the maintenance of the existing access connecting the site and Kwu Tung Road;

- (e) comply with the environmental mitigation measures recommended in the “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” as issued by the Director of Environmental Protection in order to minimize the possible environmental nuisance;
- (f) approach the Dangerous Goods Division of the Fire Services Department for advice on licensing of the site for repairing workshop purpose; and
- (g) 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 and Authorized Person had to 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 and enforcement action might be taken to effect the removal of all unauthorized works in the future.

[Open Meeting (Presentation and Question Session only)]

- (xiv) A/YL-ST/318 Renewal of Permission for Temporary Container Tractor/Trailer Park with Vehicle Repair Areas and Canteen for a Period of 3 Years in “Residential (Group D)” zone, Lots 149RP, 150RP, 151, 152RP, 153RP, 154, 155(Part), 156BRP(Part), 162RP(Part), 164RP(Part) and 375RP(Part) in DD 105 and Adjoining Government Land, San Tin, Yuen Long  
(RNTPC Paper No. A/YL-ST/318)
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109. The Committee noted that Dr. James C.W. Lau had declared an interest in this item for having current business dealings with the Top Bright Consultants Limited which was the consultant for the applicant. Dr. Lau had tendered his apologies for being unable to attend the

meeting.

### Presentation and Question Session

110. Mr. W.M. Lam, STP/TMYL, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application, highlighting that previous approval for the same use for a temporary period of 12 months was given in October 2005 (Application No. A/YL-ST/282) and all approval conditions had been fulfilled;
- (b) the proposed renewal of planning approval for the temporary container tractor/trailer park with vehicle repair areas and canteen;
- (c) departmental comments – the District Lands Officer/Yuen Long (DLO/YL) did not support the application as the Government land within the application site was occupied without his prior approval and the relevant land owners had declined to accept his offers of short term waiver (STW) for regularization of unauthorized structures on site. The Director of Environmental Protection (DEP) also did not support the application as environmental nuisance on the sensitive uses in the vicinity of the site 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 – the PlanD had no objection to the application for reasons as detailed in paragraph 12.2 of the Paper in that the application was in line with the Town Planning Board Guidelines No. 13D for 'Application for Open Storage and Port Back-up Use'. To address the comment of DLO/YL, an advisory clause was suggested in paragraph 12.4(b) of the Paper to remind the applicant to apply for STW and short term



tenancy in respect of the use. The concern of the DEP could be addressed by incorporating approval conditions and advisory clause as recommended in paragraphs 12.3(b) and (c) and 12.4(e) of the Paper.

111. Members had no question on the application.

#### Deliberation Session

112. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 29.9.2009, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no vehicles without valid licences issued under the Road Traffic Ordinance were allowed to be parked/stored on the site during the planning approval period;
- (b) no night-time operation between 7:00 p.m. to 7:00 a.m. should be permitted at the site during the planning approval period;
- (c) no operation on Sundays or public holidays should be permitted on the site during the planning approval period;
- (d) the landscape planting and existing trees on the application site should be maintained at all times during the planning approval period;
- (e) the drainage facilities on the application site should be maintained at all times during the planning approval period;
- (f) the submission of a proper run-in proposal for the site within 6 months from the date of planning approval to the satisfaction of the Director of Highways or of the TPB by 29.3.2007;
- (g) in relation to (f) above, the provision of a proper run-in within 9 months

from the date of planning approval to the satisfaction of the Director of Highways or of the TPB by 29.6.2007;

- (h) the submission of fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 29.3.2007;
- (i) in relation to (h) above, the provision of fire service installations proposed within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 29.6.2007;
- (j) if any of the above planning conditions (a), (b), (c), (d) or (e) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (k) if any of the above planning conditions (f), (g), (h) or (i) 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
- (l) upon expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the TPB.

113. 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 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. The unauthorized structures and illegal occupation of Government land should be regularized through application of short term waiver and shorter term tenancy to his Office;

- (c) note the Chief Engineer/Mainland North, Drainage Services Department's advice that the applicant was required to provide a set of record photographs showing the completed drainage works with corresponding locations marked clearly on the approved drainage plan. His Department would inspect the completed drainage works jointly with the applicant with reference to the set of photographs. The applicant should be reminded that no public sewerage maintained by his Office was currently available for connection. For sewage disposal and treatment, agreement from the Director of Environmental Protection should be obtained;
- (d) note the Chief Town Planner/Urban Design and Landscape, Planning Department's comment that the applicant should provide colour photo record clearly showing the condition of the existing trees within the site for checking and maintain the trees as indicated in the previous approved landscape proposal in good condition. Adequate clearance should be provided between the trees and the stored materials. Replacement planting should be carried out by the applicant if the trees were dead or dying during the planning approval period. The applicant should note the recommendations in the "Technical Note on the Submission and Implementation of Landscape Proposals for Compliance with Conditions for Approved Applications for Open Storage and Port Back-up Uses under Section 16 of the Town Planning Ordinance" in protecting the trees within the site;
- (e) follow the latest "Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites" issued by the Environmental Protection Department to minimize potential environmental impacts on the surrounding areas;

- (f) note the Chief Highway Engineer/New Territories West, Highways Department's advice that his office was not/should not be responsible for maintaining the existing access connecting Castle Peak Road and the subject site;
- (g) note the Chief Building Surveyor/New Territories West, Buildings Department's comments that the granting of planning approval should not be construed as condoning any structures existing on site under the Buildings Ordinance and the allied regulations, and actions appropriate under the Buildings Ordinance or other enactment might be taken if contravention was found. Formal submission of any proposed new building works, including any temporary structure, for approval under the Buildings Ordinance was required. If the site was not abutting and accessible from a street having a width of not less than 4.5m, the development intensity should be determined by the Building Authority under the Building (Planning) Regulation 19(3) at the building plan submission stage;
- (h) note the Director of Fire Services' advice that the applicant/operator should approach his Dangerous Goods Division for advice on licensing of the premises for the said purpose where necessary and, if the proposed canteen was open for public, comment should be sought from the relevant Regional Office of his Department;
- (i) note the Director of Food and Environmental Hygiene's advice that the canteen should be used exclusively of the employees of the works place and had to be operated by the applicant or his agent. The operation on site should not create any environmental nuisance to the surroundings and the management of the car park was responsible for removal and disposal of the trade refuse; and
- (j) note the Chief Engineer/Development (2), Water Supplies Department's advice that existing water mains would be affected. A waterworks reserve

within 1.5 metres from the centerline of the water main should be provided to his Department. No structure should be erected over the waterworks reserve and such area should not be used for storage purposes. The Water Authority and his officers and contractors, his or their workmen should have free access at all times to the area with necessary plant and vehicles for the purpose of laying, repairing and maintenance of water mains and all other services across, through or under it that the Water Authority might require or authorize.

[Open Meeting (Presentation and Question Session only)]

- (xv)            A/YL-ST/319            Renewal of Permission for Temporary Parking of Lorry Cranes for Sale with Ancillary Maintenance Workshop for a Period of 3 Years in “Residential (Group D)” zone, Lots 155(Part) and 157 in DD 105, San Tin, Yuen Long (RNTPC Paper No. A/YL-ST/319)
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114.            The Committee noted that Dr. James C.W. Lau had declared an interest in this item for having current business dealings with the Top Bright Consultants Limited which was the consultant for the applicant. Dr. Lau had tendered his apologies for being unable to attend the meeting.

#### Presentation and Question Session

115.            Mr. W.M. Lam, STP/TMYL, presented the application and covered the following aspects as detailed in the Paper :

- (a)            background to the application highlighting that previous approval for the same use for a temporary period of 12 months was given in October 2005 (Application No. A/YL-ST/281) and all approval conditions had been fulfilled;
- (b)            the proposed renewal of planning approval for the temporary use for

parking of lorry cranes for sale with ancillary workshop;

- (c) departmental comments – the District Lands Officer/Yuen Long (DLO/YL) did not support the application as there was unauthorized structures erected on the application site and the relevant land owners had declined to accept his offers of short term waiver (STW) for regularization of unauthorized structures. The Director of Environmental Protection (DEP) also did not support the application as environmental nuisance on the sensitive uses in the vicinity of the site was expected. Other Government departments had no adverse comment 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 – the PlanD had no objection to the application for reasons as detailed in paragraph 12.2 of the Paper in that the application was in line with the Town Planning Board Guidelines No. 13D for 'Application for Open Storage and Port Back-up Use'. To address the comment of DLO/YL, an advisory clause was suggested in paragraph 12.4(b) of the Paper to remind the applicant to apply for STW and short term tenancy in respect of the use. The concerns of the DEP could be addressed by incorporating the approval condition and advisory clause as recommended in paragraphs 12.3(a) and 12.4(e) of the Paper.

116. Members had no question on the application.

#### Deliberation Session

117. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 29.9.2009, 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 between 7:00 p.m to 7:00 a.m should be permitted

at the site during the planning approval period;

- (b) the landscape planting and existing trees on the application site should be maintained at all times during the planning approval period;
- (c) the drainage facilities on the application site should be maintained at all times during the planning approval period;
- (d) the submission of a proper run-in proposal for the site within 6 months from the date of planning approval to the satisfaction of the Director of Highways or of the TPB by 29.3.2007;
- (e) in relation to (d) above, the provision of a proper run-in within 9 months from the date of planning approval to the satisfaction of the Director of Highways or of the TPB by 29.6.2007;
- (f) the provision of a 9-litre water type/3 kg dry powder fire extinguisher in the site office within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 29.3.2007;
- (g) if any of the above planning conditions (a), (b) or (c) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (h) if any of the above planning conditions (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.

118. 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 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. The unauthorized structures and illegal occupation of Government land should be regularized through application of short term waiver and shorter term tenancy to his Office;
- (c) note the Chief Engineer/Mainland North, Drainage Services Department's advice that the applicant was required to provide a set of record photographs showing the completed drainage works with corresponding locations marked clearly on the approved drainage plan. His Department would inspect the completed drainage works jointly with the applicant with reference to the set of photographs. The applicant should be reminded that no public sewerage maintained by his Office was currently available for connection. For sewage disposal and treatment, agreement from the Director of Environmental Protection should be obtained;
- (d) note the Chief Town Planner/Urban Design and Landscape, Planning Department's comment that the applicant should provide colour photo record clearly showing the condition of the existing trees within the site for checking and maintain the trees as indicated in the previous approved landscape proposal in good condition. Adequate clearance should be provided between the trees and the stored materials. Replacement planting should be carried out by the applicant if the trees were dead or dying during the planning approval period. The applicant should note the recommendations in the "Technical Note on the Submission and Implementation of Landscape Proposals for Compliance with Conditions



for Approved Applications for Open Storage and Port Back-up Uses under Section 16 of the Town Planning Ordinance” in protecting the trees within the site;

- (e) follow the latest “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Environmental Protection Department to minimize potential environmental impacts on the surrounding areas; and
- (f) note the Chief Building Surveyor/New Territories West, Buildings Department’s comments that the granting of planning approval should not be construed as condoning any structures existing on site under the Buildings Ordinance and the allied regulations, and actions appropriate under the Buildings Ordinance or other enactment might be taken if contravention was found. Formal submission of any proposed new works, including any temporary structure, for approval under the Buildings Ordinance was required. If the site was not abutting and accessible from a street having a width of not less than 4.5m, the development intensity should be determined by the Building Authority under the Building (Planning) Regulation 19(3) at the building plan submission stage.

[Open Meeting (Presentation and Question Session only)]

- (xvi) A/YL-ST/320 Temporary Sale Office for Second-hand Private Vehicles for a Period of 2 Years in “Village Type Development” zone, Lots 3055D(Part), 3057RP(Part), 3058A, 3058RP, 3059(Part), 3060(Part), 3061(Part) and 3067(Part) in DD102, San Tin, Yuen Long  
(RNTPC Paper No. A/YL-ST/320)
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#### Presentation and Question Session

119. Mr. W.M. Lam, STP/TMYL, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application, highlighting that a previous application for the same use (Application No. A/YL-ST/293) was rejected by the Town Planning Board on review in March 2006 for reasons being not in line with the planning intention of the “Village Type Development” zone and insufficient information to demonstrate that the use would not have adverse drainage impact;
- (b) the proposed temporary sale office for second-hand private vehicles;
- (c) departmental comments – the District Lands Officer/Yuen Long (DLO/YL) did not support the application since there were three approved Small House grants on the application site. The Chief Engineer/Mainland North, Drainage Services Department advised that there was insufficient information in the submission to demonstrate that the use would not generate adverse drainage impact on the surrounding areas;
- (d) no public comment was received during the statutory publication period and no local objection was received from the District Officer; and
- (e) the Planning Department (PlanD)’s views – the PlanD did not support the application for reasons as detailed in paragraph 12.2 of the Paper in that the use was not in line with the Town Planning Board Guidelines No. 13D for “Application for Open Storage and Port Back-up Uses” and the planning intention of the “V” zone and it would frustrate the implementation of three Small Houses approved by the DLO/YL. Also, there was insufficient information in the submission to demonstrate that the use would not generate adverse drainage impact on the surrounding areas, and there had been no change in the planning circumstances since the Board’s rejection of the previous application for the same use.

120. Members had no question on the application.

### Deliberation Session

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

- (a) the development was not in line with the planning intention of the “Village Type Development” zone which was to designate both existing recognised villages and areas of land considered suitable for village expansion. As there was an active programme for Small House development within the site, the approval of the application would frustrate the planning intention; and
- (b) the proposed development did not comply with the Town Planning Board Guidelines No.13D for “Application for Open Storage and Port Back-up Uses” in that there were adverse comments from concerned departments and there was insufficient information in the submission to demonstrate that the use would not generate adverse drainage impact on the surrounding areas.

[Open Meeting (Presentation and Question Session only)]

- (xvii)      A/YL-PS/249      Temporary Vehicle Park for Sludge Collection Vehicles,  
Light Goods Vehicles and Pick-up Trucks  
for a Period of 3 Years  
in “Village Type Development” zone,  
Lots 450(Part) and 452(Part) in DD 122 and  
Adjoining Government Land, Ping Shan, Yuen Long  
(RNTPC Paper No. A/YL-PS/249)
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### Presentation and Question Session

122. Mr. W.M. Lam, STP/TMYL, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application, highlighting that previous planning approval

for the same use (Application No. A/YL-PS/183) was given in October 2004 for a temporary period of two years which was revoked in September 2006 due to a breach of the approval condition prohibiting washing and repairing activities and storage operation within the site;

- (b) the proposed temporary vehicle park for sludge collection vehicles, light goods vehicles and pick-up trucks;
- (c) departmental comments – there was no adverse comment from concerned Government departments;
- (d) one public comment was received during the statutory publication period expressing no strong view on parking of vehicles but strong objection to storage of mobile toilets and washing of sludge collection vehicles at the site, which had created strong unpleasant smell and adversely affected the health of the local villagers; and
- (e) the Planning Department (PlanD)'s views – the PlanD had no objection to the application for reasons as detailed in paragraph 11.1 of the Paper in that all planning conditions of the previous approval concerning the submission and implementation of landscape, drainage, fire service installations and vehicular access proposals had been complied with, and the use which was temporary in nature would not affect Small House development in the area. The local concerns on the storage of mobile toilets and washing of sludge collection vehicles could be addressed by imposing an approval condition as recommended in paragraph 11.4(c) of the Paper. It was also recommended that a shorter approval period of 12 months and shorter compliance periods should be granted to more closely monitor the situation.

123. The Vice-chairman asked whether there had been any environmental complaint from the villagers against the operation at the site. Mr. Wilson Y.L. So, DPO/TMYL replied that no such complaint had been received. For the current application, objection from a group of local villagers was received. Similar objection had also been raised for the previous

application, which had been taken into consideration by the Town Planning Board on review in deciding to approve that application. There had been no major change in planning circumstances since the approval of the previous application.

#### Deliberation Session

124. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 12 months until 29.9.2007, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no night-time operation between 9:00 p.m. and 9:00 a.m. was allowed on the site during the planning approval period;
- (b) no vehicles other than sludge collection vehicles, light goods vehicles (not more than 5.5 tonnes) and pick-up trucks were allowed to be parked/stored on the site at any time during the planning approval period;
- (c) no cleansing and repairing of sludge collection vehicles and storage operation should be carried out on the site at any time during the planning approval period;
- (d) the existing landscape planting on the site should be maintained at all times during the planning approval period;
- (e) the existing drainage facilities on the site should be maintained at all times during the planning approval period;
- (f) the provision of a 9-litre water type/3 kg dry powder fire extinguisher in each site office within 3 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 29.12.2006;
- (g) if any of the above planning conditions (a), (b), (c), (d) or (e) was not complied with during the planning approval period, the approval hereby

given should cease to have effect and should be revoked immediately without further notice;

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

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

126. 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) that a shorter approval period of 12 months and shorter compliance periods were granted in order to monitor the situation and compliance of approval conditions on the site;
- (c) to note the Chief Building Surveyor/New Territories West, Buildings Department's comments that the unauthorized structures within the site were liable to action under section 24 of the Buildings Ordinance (BO) and formal submission of any proposed new work, including any temporary structure, for approval under the BO was required. The granting of this planning approval should not be construed as condoning any structures existing on the site under the BO and the allied regulations. Action

appropriate under the said Ordinance or other enactment might be taken if contravention was found;

- (d) to note the Assistant Commissioner for Transport/New Territories, Transport Department's comment that the land status and management and maintenance responsibilities of the road/path/track leading to the site should be clarified;
- (e) to follow the "Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites" issued by the Environmental Protection Department; and
- (f) to note the Director of Food and Environmental Hygiene's comment that the applicant was required to handle the waste generated at his own cost.

[Open Meeting (Presentation and Question Session only)]

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

127.            The Committee noted that consideration of the application had previously been deferred on 21.7.2006 for two months as requested by the applicant, and the applicant requested on 25.9.2006 for a further deferment for three months to allow time to address the comments of relevant Government departments and the public and to give due account to an adjoining development approved by the Committee on 1.9.2006 (Application No. A/YL-TYST/322).

## Deliberation Session

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

## **Agenda Item 7**

[Open Meeting (whole agenda item)]

Proposed Amendments to the

Draft Tuen Mun Outline Zoning Plan (OZP) No. S/TM/21

(RNTPC Paper No. 23/06)

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129. The Committee noted that two replacement pages for page 1 of the Paper and page 2 of the Explanatory Statement at Annex D were tabled at the meeting.

130. Mr. Wilson Y.L. So, DPO/TMYL, presented the proposed amendments to the OZP and covered the following aspects as detailed in the Paper :

- (a) the proposed amendments to the OZP, as detailed in paragraph 3 and Annex B of the Paper, were to reflect the current uses of the Tuen Mun Fresh Water Primary Service Reservoir and Tuen Mun East No. 2 Fresh Water Service Reservoir, and to rationalise the boundary of the “Government, Institution or Community” zone in respect of the Tuen Mun East Fresh Water Service Reservoir;
- (b) the proposed amendments to the Notes, as detailed in paragraph 4 and Annex C of the Paper, was to take forward the decision of the Town Planning Board on 6.1.2006 in endorsing further refinements to the revised



Master Schedule of Notes to Statutory Plans to address the fire safety concern on the 'Educational Institution', 'Place of Entertainment', 'Religious Institution' and 'Training Centre' uses in an existing industrial or industrial-office building; and

- (c) opportunity was taken to amend the Explanatory Statement of the OZP as detailed in Annex D of the Paper to reflect the proposed amendments to the Notes and the latest status and planning circumstances of the OZP.

131. After deliberation, the Committee decided to :

- (a) agree to the proposed amendments to the draft Tuen Mun Outline Zoning Plan No. S/TM/21 as described in paragraphs 3 and 4 of the Paper and that the Amendment Plan No. S/TM/21A at Annex B (to be renumbered to S/TM/22 upon gazetting) and the Notes of the Amendment Plan at Annex C were suitable for exhibition for public inspection under section 7 of the Ordinance;
- (b) adopt the updated Explanatory Statement (ES) at Annex D as an expression of the planning intention and objectives of the Board for various land use zones on the Amendment Plan No. S/TM/21A; and
- (c) agree that the updated ES at Annex D was suitable for exhibition for public inspection together with the Amendment Plan No. S/TM/21A.

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

## **Agenda Item 8**

### **Any Other Business**

132. There being no other business, the meeting was closed at 4:20 p.m.