

TOWN PLANNING BOARD

Minutes of 341st Meeting of the Rural and New Town Planning Committee held at 2:30 p.m. on 5.1.2007

Present

Director of Planning
Mrs. Ava S.Y. Ng

Chairperson

Mr. Michael K.C. Lai

Vice-chairman

Ms. Carmen K.M. Chan

Professor Nora F.Y. Tam

Dr. Lily Chiang

Mr. Edmund K.H. Leung

Dr. C.N. Ng

Mr. Alfred Donald Yap

Mr. B.W. Chan

Chief Engineer/Traffic Engineering (New Territories East),
Transport Department
Mr. H.L. Cheng

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

Assistant Director/New Territories, Lands Department
Mr. C.S. Mills

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

Secretary

Absent with Apologies

Mr. David W.M. Chan

Professor David Dudgeon

Professor Peter R. Hills

Mr. Tony C.N. Kan

Mr. Y.K. Cheng

Ms. Anna S.Y. Kwong

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
Ms. Paulina L.S. Pun

Agenda Item 1

Confirmation of the Draft Minutes of the 340th RNTPC Meeting held on 15.12.2006

[Open Meeting]

1. The draft minutes of the 340th RNTPC meeting held on 15.12.2006 were confirmed without amendments.

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

Agenda Item 2

Matters Arising

[Open Meeting]

(i) Town Planning Appeal Decision Received

Town Planning Appeal No. 7 of 2006

Proposed Temporary Open Storage of Construction Materials
for a Period of 3 Years in “Undetermined” zone

Lot No. 743 in D.D. 122, Yung Yuen Road, Ping Shan, Yuen Long
(Application No. A/YL-PS/230)

2. The Secretary reported that the Town Planning Appeal Board (TPAB) received an appeal on 7.4.2006 against the decision of the Town Planning Board (the Board) on 20.1.2006 to reject an application (No. A/YL-PS/230) for temporary open storage of construction materials for a period of 3 years at a site zoned “Undetermined” (“U”) on the approved Ping Shan Outline Zoning Plan (OZP) No. S/YL-PS/11. The appeal was heard by the TPAB on 23.11.2006. On 22.12.2006, the appeal was dismissed by the TPAB on the following grounds :

- (a) the Appellant failed to submit any technical assessments to demonstrate that the proposed uses would not have adverse drainage, traffic, visual, landscaping and environmental impacts on the surrounding areas;

- (b) there was strong objection to the application by a District Board Member representing local residents as set out in his “Comments on Planning Application”;
- (c) there were objections by the relevant Government departments to the ill-effects on the environment and areas surrounding the application site in the event of the applications being granted. There was a cumulative effect in the improper use of different pieces of land in the area;
- (d) in view of the above, the Appellant failed to comply with the requirements of both Town Planning Board Guidelines Nos. 13C and 13D for Application for Open Storage and Port Back-up Uses under Section 16 of the Town Planning Ordinance; and
- (e) the conclusions and reasons put forward by the Town Planning Board in rejecting the application and its review were valid.

3. The Secretary said that a summary of the appeal and the TPAB’s decision were sent to Members for reference.

(ii) Appeal Statistics

4. The Secretary said that as at 5.1.2007, 25 cases were yet to be heard by the TPAB. Details of the appeal statistics were as follows :

Allowed	:	17
Dismissed	:	88
Abandoned/Withdrawn/Invalid	:	120
Yet to be Heard	:	25
Decision Outstanding	:	8
<hr/> Total	:	<hr/> 258

the application for the reasons detailed in paragraph 11.1 of the Paper.

6. Members had no question on the application.

Deliberation Session

7. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board. The permission should be valid until 5.1.2011, 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.

8. The Committee also agreed to advise the applicant :

- (a) that there were some existing man-made slopes along the proposed sewers and footpath. A critical review on the stability status of these slopes that affected or to be affected by the proposed development was therefore required under the project. The results of the review, together with any permanent geotechnical works proposal should be submitted to the Head of the Geotechnical Engineering Office, Civil Engineering and Development Department for checking in accordance with ETWB Technical Circular No. 29/2002; and
- (b) to avoid interference with existing trees in the surroundings as far as possible and to adopt good site practice to keep any vegetation disturbance to the absolute minimum throughout the construction period.

[Open Meeting (Presentation and Question Session only)]

- (ii) A/SK-HC/137 Proposed Two New Territories Exempted Houses (NTEHs) (Small Houses) in "Agriculture" zone, Lots 619, 620B and 620C in DD 244, Ho Chung, Sai Kung (RNTPC Paper No. A/SK-HC/137)
-

- (iii) A/SK-HC/138 Proposed Two New Territories Exempted Houses (NTEHs) (Small Houses) in “Agriculture” zone, Lots 620A, 620D, 621A and 626A in DD 244, Ho Chung, Sai Kung (RNTPC Paper No. A/SK-HC/138)
-

9. Noting that the two applications (No. A/SK-HC/137 and A/SK-HC/138) were similar in nature and the application sites were located within the same “Agriculture” (“AGR”) zone, the Committee agreed that the applications be considered together.

Presentation and Question Session

10. Mr. Michael C.F. Chan, DPO/SKIs, presented the applications and covered the following aspects as detailed in the Papers :

- (a) background to the applications;
- (b) the proposed New Territories Exempted Houses (NTEHs) (Small Houses);
- (c) departmental comments – highlighting that the Agriculture, Fisheries and Conservation Department (AFCD) did not favour the applications as the application sites were in the Ho Chung Valley which was an area of major high quality agricultural land in Sai Kung. The potential for agricultural rehabilitation was high. The Transport Department (TD) had reservation on the applications. Although the traffic impact of each individual development was minimal, approval of the applications would set an undesirable precedent. The cumulative traffic impacts on the local road network had not been assessed. No objection from other concerned Government departments was received;
- (d) no public comment was received during the statutory publication period and no local objection was received by the District Officer; and

- (e) the Planning Department (PlanD)'s views – the PlanD had no objection to the applications for the reasons detailed in paragraph 11.1 of the Papers. The applications complied with the interim criteria for assessing planning application for NTEH/Small House development in that the application sites fell within the village 'environs' and there was a shortage of land in meeting Small House demand within the "Village Type Development" ("V") zone. Two similar applications (No. A/SK-HC/134 and A/SK-HC/135) for Small House developments within the same "AGR" zone, which were cross-village applications, were rejected by the Committee on 1.12.2006 on the grounds of not being in line with the planning intention, insufficient information to demonstrate a shortage of land in the "V" zone near those applicants' home village, and adverse impacts on traffic and the rural landscape. The current applications were indigenous villagers of Ho Chung Village. Although the AFCD did not favour the applications, the application sites only took up a very small portion of the "AGR" zone. The proposed developments were considered compatible with the surrounding rural and village environment. They would not cause adverse environmental, visual, drainage, sewerage and geotechnical impacts on the surrounding areas. With no parking spaces in the proposals, the developments would have minimal traffic impacts.

11. Members had no question on the applications.

Deliberation Session

12. After deliberation, the Committee decided to approve the applications, on the terms of the applications as submitted to the Town Planning Board (TPB). The permissions should be valid until 5.1.2011, 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. Each of the permission was subject to the following conditions :

- (a) the submission of archaeological survey before the commencement of any construction works and rescue excavation should be undertaken should archaeological remains be found to the satisfaction of Director of Leisure

and Cultural Services or of the TPB; and

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

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

[The Chairperson thanked Mr. Michael C.F. Chan, DPO/SKIs, for his attendance to answer Members' enquiries. Mr. Chan left the meeting at this point.]

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

Sha Tin, Tai Po and North District

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

Agenda Item 4

Section 12A Application

[Open Meeting (Presentation and Question Session only)]

Y/NE-KTS/1 Application for Amendment to the
Draft Kwu Tung South Outline Zoning Plan No. S/NE-KTS/11
from "Agriculture" to "Government, Institution or Community (1)",
Various Lots in DD 100 and Adjoining Government Land,
Lin Tong Mei, Kwu Tung South, Sheung Shui
(RNTPC Paper No. Y/NE-KTS/1)

Presentation and Question Session

14. The Secretary said that Hyder Consulting Ltd. (Hyder) was one of the applicant's consultants. Dr. James C.W. Lau, having current business dealings with Hyder, had declared an interest in this item. The Committee noted that Dr. Lau had sent his apologies for being unable to attend the meeting. The Committee also noted that the applicant requested on 13.12.2006 for a deferment of the consideration of the application to allow more time to address departmental and public comments.

Deliberation Session

15. 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 three 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.

Agenda Item 5

Section 16 Applications

[Open Meeting (Presentation and Question Session only)]

- (i) A/NE-FTA/80 Temporary Container Trailer Park
for a Period of 3 Years
in "Other Specific Uses" annotated "Port Back-up Uses" zone,
Lots 182RP(Part) and 183RP(Part) in DD 52, Fu Tei Au,
Sheung Shui
(RNTPC Paper No. A/NE-FTA/80)
-

Presentation and Question Session

16. Mr. W.W. Chan, STP/STN, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the applied temporary container trailer park for a period of 3 years;
- (c) departmental comments – highlighting that the Environmental Protection Department (EPD) did not support the application as there were sensitive uses in the vicinity of the application site and environmental nuisance from the proposed use was expected. No objection from other concerned Government departments was received;
- (d) no public comment was received during the statutory publication periods of the application and further information. Four local objections on the grounds of adverse environmental impacts were received by the District Officer; and
- (e) the Planning Department (PlanD)'s views – the PlanD had no objection to the application for the reasons detailed in paragraph 12.2 of the Paper. The application was considered to be in line with the planning intention of the “Other Specified Uses” annotated “Port Back-Up Uses” zone and the Town Planning Board Guidelines No. 13D for Application for Open Storage and Port Back-up Uses. It was not incompatible with the surrounding land uses. In order to address the EPD's and the local's concerns, the applicant could be advised to undertake the environmental mitigation measures as set out in the Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites in order to minimize the potential environmental impacts on the adjacent area. This would be consistent with the Committee's approach in considering previous and similar applications in the area. Other concerned Government departments including the Transport Department had no adverse comments on the application.

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 5.1.2010, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) the submission of drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 5.7.2007;
- (b) in relation to (a) above, the provision of drainage facilities within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 5.10.2007;
- (c) the submission of tree preservation and landscaping proposals within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 5.7.2007;
- (d) in relation to (c) 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 5.10.2007;
- (e) if any of the above planning conditions (a), (b), (c) or (d) 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 also agreed to advise the applicant :

- (a) to resolve any land issue to the development with the concerned owner(s) of the application site;
- (b) to apply to the District Lands Office/North, Lands Department for cancellation and re-issue of the Short Term Waiver to regularize the existing/proposed structures;

- (c) that he might need to extend his private water mains to the nearest Government water mains for connection, and to bear the cost and sort out the land matter associated with the main laying and subsequent maintenance of the water mains in private lots;
- (d) to follow the environmental mitigation measures as recommended in the 'Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites' in order to minimize the potential environmental impacts on the adjacent area; and
- (e) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department that:
 - (i) the granting of this planning approval should not be construed as condoning any structures existing on the site under the Buildings Ordinance and the allied regulations. Actions appropriate under the said Ordinance or other enactment might be taken if contravention was found;
 - (ii) the proposed offices and storage were considered temporary buildings and were subject to control under Building (Planning) Regulations (B(P)R) Part VII;
 - (iii) formal submission of any proposed new works for approval under the Buildings Ordinance was required;
 - (iv) if the site abutted on a street of less than 4.5m wide, the development intensity of the site should be determined under B(P)R 19(3) at building plan submission stage; and
 - (v) Emergency Vehicular Access should be provided in accordance with the requirements under B(P)R41D.

application for NTEH/Small House development as most of the footprint of the proposed Small House fell within the village ‘environs’ and “Village Type Development” (“V”) zone. Although the AFCD did not favour the application, the proposed Small House was considered not incompatible with the surrounding village settlement. Regarding the local objections, no adverse comment on the application was received from other concerned Government departments, including the Lands Department, Environmental Protection Department and Transport Department. No other private lots, besides the applicant’s site, were involved in the application. Nonetheless, it was recommended that the applicant should liaise with the local villagers regarding the development.

21. Members had no question on the application.

Deliberation Session

22. 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 5.1.2011, 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 design and provision of drainage facilities to the satisfaction of the Director of Drainage Services or of the TPB; and
- (c) the design and provision of and fire fighting access, fire service installations and fire fighting water supplies to the satisfaction of the Director of Fire Services or of the TPB.

23. The Committee also agreed to advise the applicant :

- (a) to note that the permission was only given to the development under application. If provision of an 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;
- (b) to note the local views/objections at Appendix V of the Paper and liaise with the local villagers regarding the proposed development;
- (c) to 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 shall be responsible for the construction, operation and maintenance of the inside services within private lots to Water Supplies Department's standards;
- (d) to note that water mains in the vicinity of the application site could not provide the standard fire fighting flow; and
- (e) that the site was located within Water Supplies Department flood pumping gathering grounds associated with River Indus and River Ganges pumping stations.

[Open Meeting (Presentation and Question Session only)]

- (iii) A/NE-LK/48 Proposed House
(New Territories Exempted House (NTEH) – Small House)
in “Green Belt” zone,
Lot 1416A in DD 39, Ma Tseuk Leng Village,
Wo Tong Kong, Luk Keng
(RNTPC Paper No. A/NE-LK/48)
-

Presentation and Question Session

24. Mr. W.W. Chan, STP/STN, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed house (New Territories Exempted House (NTEH) – Small House);
- (c) departmental comments – highlighting that the Transport Department had reservation on the application as it would set an undesirable precedent, resulting in substantial cumulative adverse traffic impact. The Urban Design and Landscape Section of the Planning Department (PlanD) raised objection to the application as the application site was of a typical natural rural landscape and was zoned “Green Belt” (“GB”). The site was embraced by lush vegetation including some mature trees. Significant changes and disturbances to the existing landscape character and loss of natural greenery were anticipated. No objection from other concerned Government departments was received;
- (d) a total of two public comments were received during the statutory publication periods of the application and further information. The public comments raised concern that the application site was in close proximity to at least 4 of the native trees and their preservation was important. It was requested that should the application be approved, approval conditions on preservation of these trees should be incorporated; and
- (e) the PlanD’s views – the PlanD had no objection to the application for the reasons detailed in paragraph 12.1 of the Paper. The proposed development was in line with the interim criteria for assessing planning application for NTEH/Small House Development (interim criteria) as the application site was within the village ‘environs’. There was a general shortage of land in meeting demand for Small House development in the “Village Type Development” (“V”) zone. Although the proposal was not considered in harmony with the natural environment, there were already existing village houses in the vicinity. A previous application (No. A/NE-LK/42) for the same use on a bigger lot, which included the

application site, had been approved by the Committee. In order to avoid affecting the trees, the applicant had revised the disposition of the house. While there was reservation on traffic grounds, no vehicular access was required for Small House land grant. In view of the above, it was recommended that sympathetic consideration could be given to the application.

25. A Member referred to Plan A-3 of the Paper and raised concern on the impact of the proposed house on the roots and crown of the existing trees in close proximity and enquired how these trees would be protected. In response, Mr. W.K. Hui, DPO/STN, said that in order to protect the existing trees, an approval condition (c) requiring the submission and implementation of tree preservation and landscape proposals was recommended. In view of the comments from the Urban Design and Landscape Section, the applicant had already revised the layout in relocating the house away from the trees. As another Small House had been approved to the immediate south of the current application site under the previous application, there would be limited scope for further manoeuvring of the disposition of the proposed house.

26. The Chairperson said that according to Annex Ia of the Paper, the distance between the proposed house and the two trees of concern were 6.18m and 6.81m respectively.

Deliberation Session

27. A Member said that if the area to the east of the proposed house was used for parking or paved with concrete, the roots of the nearby trees would inevitably be adversely affected. The 3-storey house might also affect the tree crowns. These negative impacts would inhibit the healthy growth of the trees and in the worst situation, might even eventually lead to their deaths. This Member opined that it was more appropriate to prevent these anticipated situations from happening than to rely on approval conditions which might be difficult to enforce. In particular, the planning intention of the “GB” zone was to protect the natural features within the zone and there was a presumption against development. Existing trees, whether they were of common species or not, should be protected. It was also doubtful how the responsible party would be penalized if the trees died because of the development.

28. Regarding the issue of enforcement and penalty on non-compliance of approval conditions, the Chairperson enquired whether a condition of tree preservation could be incorporated into the land grant. In reply, Mr. C.S. Mills said that the usual penalty of violation of conditions on the land grant included re-entry to the land, financial penalty or compensatory planting (if tree preservation was a requirement). However, it was not appropriate to totally rely on the Lands Department for enforcement of planning conditions. Rather, considerations could be given to requiring the applicant to satisfy the planning condition on tree preservation and landscape proposal prior to the land grant.

29. A Member said that although the application site was zoned "GB", it fell entirely within the village 'environs' and there was a shortage of land in meeting the demand for Small House development in the "V" zone. This Member sought clarification on the Committee's normal practice on such cases. The Secretary replied that according to the interim criteria, sympathetic consideration might be given under these circumstances. Nonetheless, other planning considerations, including impacts on trees, would also be taken into account.

30. The Secretary continued to say that, for Members' information, no detailed tree survey was submitted under the previous application (No. A/NE-LK/42). As such, the locations of the proposed house under that application in relation to the trees could not be clearly established. However, under the current application, detailed tree survey plans were submitted and the location of the proposed house had been shifted away from the trees in view of the Urban Design and Landscape Section's comments.

31. Another Member referred to Annex IV of the Paper and said that the Agriculture, Fisheries and Conservation Department (AFCD) indicated that the trees found on the site were common species and had no strong view against the application. The two public comments (submitted by the World Wide Fund and the Kadoorie Farm & Botanic Garden Corporation) did not raise objection to the application. They were only concerned about the impacts of the development on the tree roots, tree felling and the impact of over-pruning. This Member suggested that the approval conditions could be revised to restrict the area for site formation/paving so as to reduce the impacts on the tree roots. Other conditions such as no tree felling or over-pruning could be considered. Another Member shared the view and opined that there should be a reasonable balance between development and tree preservation.

32. A Member agreed that the planning conditions should be revised to reflect the importance of tree preservation. In the long term, it was suggested that AFCD should be requested to provide more guidelines or criteria to assist consideration of such cases in the future.

33. The Secretary said that Mr. Mills' suggestion of requiring the applicant to satisfy all conditions of tree preservation and landscape proposal before land grant could be considered. If a condition restricting the area for site formation or paving were to be imposed, a detailed site survey was required to determine the exact area of restriction. It was suggested that an advisory clause be incorporated instead.

34. The Chairperson concluded that Members were concerned about the possible adverse impacts of the proposed development on the existing trees on site. Nonetheless, the Committee had previously approved another application for the same use and the AFCD had no strong views against the current application. While the public comments raised concern on impacts on the trees, they did not object to the application. There was no strong reason to reject the application. It appeared appropriate that a time element relating to the submission of tree preservation and landscape proposals and requirements of no tree felling or over-pruning should be included in the approval conditions. The applicant should also be advised to limit the paved area around the house to reduce adverse impacts on the tree roots. Members agreed.

35. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 5.1.2011, 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 felling or over-pruning of the trees adjoining the application site should be carried out;
- (b) the submission of tree preservation and landscape proposals to the satisfaction of the Director of Planning or of the TPB prior to the land grant for the proposed development;

- (c) the implementation of tree preservation and landscape proposals to the satisfaction of the Director of Planning or of the TPB;
- (d) the submission and implementation of drainage proposals to the satisfaction of the Director of Drainage Services or of the TPB; and
- (e) the submission and implementation of fire fighting access, water supplies and fire service installation proposals to the satisfaction of the Director of Fire Services or of the TPB.

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

- (a) the Committee's concerns on potential impacts of the development on the existing trees adjoining the application site. The amount of paved area around the development should be limited and the area to the east of the proposed Small House should not be paved so as to minimize adverse impacts on the roots of the trees;
- (b) the Chief Engineer/Development(2), Water Supplies Department's comments that water mains in the vicinity of the application site could not provide the standard fire fighting flow; and
- (c) that the permission was only given to the development under application. If provision of an 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)]

- (iv) A/NE-SSH/57 Proposed House
(New Territories Exempted House (NTEH) – Small House)
in “Village Type Development” and “Green Belt” zones,
Government Land in DD 165, Ma Kwu Lam Village,
Sai Kung North
(RNTPC Paper No. A/NE-SSH/57)
-

Presentation and Question Session

37. Mr. W.W. Chan, STP/STN, presented the application and covered the following aspects as detailed in the Paper :

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

38. A Member said that the subject application site was slightly infringing into the “Green Belt” zone and enquired whether the approval of the current application would attract similar applications. In response, the Secretary said that according to the Committee’s decision on 30.3.2001, if only a very minor portion of an application site (less than 5% or 10m², whichever was the less) fell outside the “Village Type Development” (“V”) zone, it could be regarded as minor boundary adjustment always permitted under the covering Notes of the relevant Outline Zoning Plan. About 14% of the current application site fell outside the “V” zone and hence planning permission was required. In consideration of villagers’

views on adopting a more flexible approach, the Secretariat was studying the matter and a paper would be submitted to the Committee for consideration in due course.

Deliberation Session

39. 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 5.1.2011, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the condition on the submission and provision of drainage facilities to the satisfaction of the Director of Drainage Services or of the TPB.

40. The Committee also agreed to advise the applicant :

- (a) that he 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
- (b) to note that the permission was only given to the development under application. If provision of an 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)]

- (v) A/ST/639 Proposed House (Redevelopment)
 in “Green Belt” zone,
 Lot 57 and Extension in DD 175, Hung Kiu Lane,
 Kau To, Sha Tin
 (RNTPC Paper No. A/ST/639A)
-

Presentation and Question Session

41. Mr. W.W. Chan, STP/STN, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed house (redevelopment);
- (c) departmental comments – no objection from concerned Government departments was received;
- (d) two public comments indicating no objection to the application were received during the statutory publication period; and
- (e) the Planning Department (PlanD)’s views – the PlanD had no objection to the application for the reasons detailed in paragraph 11.1 of the Paper and paragraph 4.2 of the Supplementary Paper. The proposal was considered compatible with the low-rise, low-density residential developments in the area. Compared with the previously approved scheme, the current application involved a reduced development intensity. It would not cause any adverse traffic and environmental impacts on the surrounding areas. Although the Urban Design and Landscape Section advised that the current application was inferior to the previously approved application (No. A/ST/514) on landscape treatment as it would result in the loss of three trees, appropriate approval condition was recommended to address the concern.

42. Members had no question on the application.

Deliberation Session

43. The Chairman remarked that although the application site fell within the “Green Belt” zone, a balance had to be struck in which private development rights had to be respected.

44. 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 5.1.2011, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

- (a) the design and provision of water supply for fire fighting and fire service installations to the satisfaction of the Director of Fire Services or of the TPB; and
- (b) the submission and implementation of landscape and tree preservation proposals to the satisfaction of the Director of Planning or of the TPB.

45. The Committee also agreed to advise the applicant :

- (a) that the approval of the application did not imply that approval of the proposed development would be granted by the Building Authority. The applicant should approach the Buildings Department direct to obtain the necessary approval;
- (b) to apply to the District Lands Officer/Shu Tin, Lands Department for lease modification to permit the proposed residential development on site;
- (c) to comply with Part VI of the Code of Practice for Means of Access for Fire fighting and Rescue administered by the Buildings Department on the arrangement on emergency vehicular access;

- (d) that there was no public drain and sewerage system in the vicinity of the site. Any proposed new stormwater drain and sewer sections required for the development should be constructed by the project proponent at their own expenses;
- (e) that consideration might be given to explore the feasibility of discharging the sewage from the site to the new sewer along Tai Po Road under the Civil Engineering and Development Department's project. The applicant should consult the Director of Environmental Protection on the provision of a satisfactory sewage disposal scheme in case there was any programme mismatch; and
- (f) to submit site formation proposals covering the investigation of stability of any man-made slopes, retaining walls and natural slopes within or near the proposed residential development to the Building Authority for approval.

General Issue

46. In response to a Member's question, the Secretary clarified that all personal data of applicants and public commenters would be kept confidential and be blacked out on the papers which were available for public inspection.

[Open Meeting (Presentation and Question Session only)]

- (vi) A/ST/644 Shop and Services (Fast Food Shop)
in "Industrial" zone,
Shop C5, LG/F, Valiant Industrial Centre,
2-12 Au Pui Wan Street, Fo Tan, Sha Tin
(RNTPC Paper No. A/ST/644)
-

Presentation and Question Session

47. Mr. W.W. Chan, STP/STN, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the applied shop and services (fast food shop);
- (c) departmental comments – no objection from concerned Government departments was received;
- (d) one public comment indicating agreement to the application was received during the statutory publication period; and
- (e) the Planning Department (PlanD)'s views – the PlanD had no objection to the application for the reasons detailed in paragraph 11.1 of the Paper.

48. Members had no question on the application.

Deliberation Session

49. The Chairman said that the application complied with the Town Planning Board Guidelines for Use/Development within Industrial Zone.

50. 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 5.1.2011, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the condition on the provision of fire service installations to the satisfaction of the Director of Fire Services or of the TPB.

51. The Committee also agreed to advise the applicant :

- (a) to resolve any land issues relating to the development with the concerned owner(s) of the application premises;
- (b) to apply to the District Lands Officer/Shu Tin, Lands Department for a temporary waiver to permit the applied use;

- (c) to liaise with the Chief Building Surveyor/New Territories East, Buildings Department regarding fire resistance period of the wall separating the application premises and adjacent workshop areas; and
- (d) to note the comments of the Director of Fire Services that the proposed fast food shop should only be licensed and operated as 'food factory' without the provision of seating accommodation or as 'factory canteen' for catering to the industrial needs. Fast food shop licensed and operated as 'restaurant' or 'light refreshment restaurant' would not be accepted.

Agenda Item 6

Section 16A Applications

[Open Meeting (Presentation and Question Session only)]

- (i) A/NE-LT/245-1 Extension of Time for Commencement of the Approved Three New Territories Exempted Houses (NTEHs) (Small Houses) under Application No. A/NE-LT/245 for a Period of 3 Years until 12.1.2010 in "Agriculture" zone, Lots 1204A, 1204B and 1204C in DD 7, Hang Ha Po Village, Lam Tsuen, Tai Po
(RNTPC Paper No. A/NE-LT/245-1)
-

Presentation and Question Session

52. Mr. W.W. Chan, STP/STN, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the extension of time (EOT) for commencement of the approved three New Territories Exempted Houses (NTEHs) applied for;

- (c) departmental comments – highlighting that the Environmental Protection Department (EPD) advised that the proposed developments were located within the water gathering grounds (WGG) but they would be unable to be connected to existing or planned sewerage system in the area. Grave concerns over the potential water quality impact on the WGG were raised and the application was not supported. The Agriculture, Fisheries and Conservation Department (AFCD) did not favour the application as agricultural activities within the application site and in the surrounding areas were still active. No objection from other concerned Government departments was received;
- (d) no local objection was received by the District Officer; and
- (e) the Planning Department (PlanD)'s views – the PlanD had no objection to the application for the reasons detailed in paragraph 8.3 of the Paper. The applicants had been liaising with the Lands Department (LandsD) to address various land matters and sympathetic consideration could be given on delay in the implementation of the development. Although there were adverse comments from the EPD and AFCD, other concerned Government departments including the Water Supplies Department and LandsD raised no objection. The extension of time would allow the applicants more time to resolve the technical issues and complete the land administrative procedures.

53. Members had no question on the application.

Deliberation Session

54. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 12.1.2010, on the terms of the application as submitted to the Town Planning Board (TPB) and 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 tanks and soakaway pits 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 disposal of fire service installations to the satisfaction of the Director of Fire Services or of the TPB; and
- (e) the submission and implementation of landscape proposals to the satisfaction of the Director of Planning or of the TPB.

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

- (a) for the development of a Small House, a concessionary grant from the Land Authority under the Small House Policy would be required and that such grant would only be given to indigenous villagers;
- (b) they and their contractors should observe the “Code of Practice on Working near Electricity Supply Lines” when carrying out works in the vicinity of the electricity cables; and
- (c) any further extension of the validity of this permission would be outside the scope of Class B amendments as specified by the TPB. If the applicants wish to seek any further extension of time for commencement of the development, the applicants might submit a fresh application under section 16 of the Town Planning Ordinance. The TPB Guidelines No. 35A and 36 should be referred to for details.

[Open Meeting (Presentation and Question Session only)]

- (ii) A/NE-SSH/26-1 Proposed Amendments to Approved Development - Comprehensive Residential and Recreational Development including Government, Institution and Community Facilities in “Comprehensive Development Area”, “Government, Institution or Community”, “Open Space”, “Green Belt” and “Road” zones, Various Lots in DD 165, 207 and 218 and Adjoining Government Land, Sai Sha, Shap Sz Heung (RNTPC Paper No. A/NE-SSH/26-1)
-

Presentation and Question Session

56. The Secretary reported that the application was submitted by the Light Time Investments Ltd. which is a subsidiary company of Sun Hung Kai Properties Ltd. (SHKP). Mr. Alfred Donald Yap and Mr. Y.K. Cheng, having current business dealings with SHKP, had declared interests in this item. The Committee noted that Mr. Cheng had tendered his apologies for being unable to attend the meeting. The Committee also noted that the applicant requested on 29.12.2006 for a deferment of the consideration of the application to allow more time to prepare supplementary information. Members agreed that Mr. Yap could be allowed to stay in the meeting.

Deliberation Session

57. 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.

[The Chairperson thanked Mr. W.K. Hui, DPO/STN, and Mr. W.W. Chan, STP/STN, for their attendance to answer Members’ enquiries. Messrs. Hui and Chan left the meeting at this point.]

- (d) one public comment objecting to the application on grounds of adverse traffic and sewerage impacts was received during the statutory publication period; and
- (e) the Planning Department (PlanD)'s views – the PlanD had no objection to the application for the reasons detailed in paragraph 12.1 of the Paper. The applied use on a temporary basis would not frustrate the long-term planning intention of the “Other Specified Uses” annotated “Comprehensive Development to include Wetland Restoration Area” (“OU(CDWRA)”) zone. It was considered not incompatible with the surrounding land uses. There were four previously approved applications on the application site and there had been no change in planning circumstances. Regarding the TD's and local concern on traffic ground, an advisory clause was recommended that the applicant should seek the owners' consents on using Man Yuen Road and Fairview Park Boulevard. Other concerned Government departments, including the Environmental Protection Department (EPD) and Drainage Services Department, raised no objection to the application.

59. In response to a Member's enquiry on the commenter's concern, Mr. Wilson Y.L. So, DPO/TMYL, referred Members to EPD's comments in paragraph 10.1.2(b) of the Paper that the effluent discharge from the development was subject to control under Water Pollution Control Ordinance. Also, the applied use required a restaurant licence from the Food and Environmental Hygiene Department and would be subject to licensing control.

Deliberation Session

60. The Chairperson said that there were already other restaurants operating in the vicinity. Nonetheless, she enquired if the recommended approval period of the application for 3 years, instead of 5 years as applied for, was consistent with the Committee's past approach. In response, Mr. Wilson Y.L. So, said that the application site fell within an area zoned “OU(CDWRA)”. According to the Town Planning Board Guidelines for Application for Developments within Deep Bay Area, applications for permanent uses including ‘eating place’ use should be supported with ecological impact assessments. Nonetheless, no such

assessment was included in the current submission. The approval of 3 years for temporary uses within the zone was consistent with the Committee's past approach, including the approval of the previous application (No. A/YL-NSW/111) for the same use at the site.

61. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 5.1.2010, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) the landscape planting on the application site should be maintained at all times during the planning approval period;
- (b) the implementation of accepted landscape proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 5.7.2007;
- (c) if the above planning condition (a) was not complied with during the approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (d) if the above planning condition (b) was not complied with by the specified date, the approval hereby given should cease to have effect and should be revoked without further notice; and
- (e) 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.

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

- (a) note that, as the site fell within the Wetland Buffer Area and there was no ecological impact assessment submitted, a shorter approval period had been imposed in accordance with the Notes of the Outline Zoning Plan under which the TPB might grant permission for temporary use for a maximum period of three years;

- (b) resolve any land issues relating to the development with the concerned owner(s) of the application site;
- (c) apply to District Lands Officer/Yuen Long for Short Term Waiver for erection of structures on the site;
- (d) follow the environmental mitigation measures as recommended in the “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Director of Environmental Protection in order to minimize the potential environmental impacts on the adjacent area;
- (e) note the comments of the Director of Food and Environmental Hygiene (DFEH) that the restaurant required a valid restaurant licence issued by DFEH and attention should be drawn to the Food Business Regulation made under section 56 of the Public Health and Municipal Services Ordinance, Cap 132. The operation of the restaurant should not cause any environmental nuisance to the surroundings. The refuse generated by the restaurant was regarded as trade refuse. The management or owner of the site was responsible for its removal and disposal at their expenses;
- (f) note the comments of the Assistant Commissioner for Transport/New Territories, Transport Department that both Man Yuen Road and Fairview Park Boulevard were private roads. The proposed access through Man Yuen Road and Fairview Park Boulevard was not acceptable unless written consents were obtained from the owners for use of the two private roads for the planning approval period;
- (g) note the comments 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 Fairview Park Boulevard. The maintenance party of this access should be identified and his comment should be sought; and

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

[Open Meeting (Presentation and Question Session only)]

- (ii) A/YL-NTM/205 Renewal of Planning Approval for Temporary Container Trailer and Tractor Park for a Period of 5 Years in “Open Storage” zone, Lots 161, 162, 165, 166, 168(Part), 169, 170, 171, 172, 173, 174, 175, 176, 178, 179, 180, 181, 190, 191, 192, 193(Part) and 195 in DD 98, Lots 2882(Part), 2883, 2884 and 2885(Part) in DD 102, and Adjoining Government Land, Ngau Tam Mei, Yuen Long
(RNTPC Paper No. A/YL-NTM/205)
-

Presentation and Question Session

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

- (a) background to the application;
- (b) the proposed renewal of planning approval for temporary container trailer and tractor park for a period of 5 years;
- (c) departmental comments – no objection from concerned Government departments was received;
- (d) two public comments objecting to the application were received during the statutory publication period. The grounds of objection were mainly land

use incompatibility, adverse traffic and environmental impacts, and disruption to the natural ecology; and

- (e) the Planning Department (PlanD)'s views – the PlanD had no objection to the application for the reasons detailed in paragraph 12.2 of the Paper. The applied use was generally in line with the planning intention of the “Open Storage” zone and was not incompatible with the surrounding areas. Previous applications on the application site and in the vicinity for similar uses had been approved and there was no material change in the planning circumstances. Regarding the local objections, all concerned Government departments including the Transport Department, Environmental Protection and Agriculture, Fisheries and Conservation Department had no adverse comments on the application.

64. Members had no question on the application.

Deliberation Session

65. The Chairperson remarked that the application complied with the relevant Town Planning Board Guidelines.

66. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 5 years until 5.1.2012, 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 or public holidays was allowed on the site during the planning approval period;
- (c) the drainage facilities on the site should be maintained at all times during the planning approval period;

- (d) the submission of a condition record of the existing drainage facilities within 6 months from the date of approval to the satisfaction of the Director of Drainage Services or of the TPB by 5.7.2007;
- (e) the submission of a landscape proposal within 6 months from the date of the planning approval to the satisfaction of the Director of Planning or of the TPB by 5.7.2007;
- (f) in relation to (e) above, the implementation of a landscape proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 5.10.2007;
- (g) the provision of a 9-litre water type/3kg dry powder fire extinguisher in each of the container-converted 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 5.7.2007;
- (h) if any of the above planning conditions (a), (b) or (c) was not complied with during the approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (i) if any of the above planning conditions (d), (e), (f) or (g) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and
- (j) upon expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the TPB.

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

- (a) resolve any land issue relating to the development with the concerned owner(s) of the application site;

- (b) apply to the District Lands Officer/Yuen Long for Short Term Waiver for erection of structures on site;
- (c) note the comments of the Assistant Commissioner for Transport/New Territories, Transport Department to obtain the right of way for the access from the land owner concerned;
- (d) note the comments of Director of Food and Environmental Hygiene to apply a restaurant licence required under section 32 of the Food Business Regulation if the canteen involved the sale of meals or unbottled non-alcoholic drinks other than Chinese herb tea to people, except the persons employed in the work place, for consumption on the premises;
- (e) note the comments of the Director of Fire Services to approach Fire Protection Regional Office for advice on detailed fire safety requirements;
- (f) 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;
- (g) note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department to update the approved landscape proposal of the previous application to take into account the fact that the species of the landscape trees within the site were amended and to compensate some of the missing landscape trees along the northern boundary of the site;
- (h) note the comments of the Chief Building Surveyor/New Territories West, Buildings Department that the granting of this planning approval should not be construed as condoning any structures existing on the site under the Buildings Ordinance and the allied regulations and enforcement action under the said Ordinance or other enactments might be taken if contravention was found. And to note that containers to be used as offices

were considered as temporary buildings subject to control under Building (Planning) Regulations Part VII. Formal submission of any proposed new works for approval under the Buildings Ordinance was also required. If the site was not abutting on and accessible from a street having a width of not less than 4.5m, the development intensity should be determined under B(P)R 19(3) at building plan submission stage. The applicant's attention was also drawn to B(P)R 41D on the provision of emergency vehicular access to the proposed development; and

- (i) note the comments of the Chief Highway Engineer/New Territories West, Highways Department that Highways Department was not/should not be responsible for the maintenance of any existing vehicular access connecting the application site and Kwu Tung Road.

[Open Meeting (Presentation and Question Session only)]

- (iii) A/YL-PH/532 Renewal of Planning Permission for Temporary Open Storage of Containers for Storing Sauces with Canteen Use for a Period of 3 Years in "Residential (Group D)" zone, Lot 172(Part) in DD 108 and Adjoining Government Land, Pat Heung, Yuen Long
(RNTPC Paper No. A/YL-PH/532)
-

Presentation and Question Session

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

- (a) background to the application;
- (b) renewal of planning permission for temporary open storage of containers for storing of sauces with canteen use for a period of 3 years;
- (c) departmental comments – no objection from concerned Government departments was received;

- (d) no public comment was received during the statutory publication period and no local objection was received by the District Officer; and
- (e) the Planning Department (PlanD)'s views – the PlanD had no objection to the application for the reasons detailed in paragraph 12.1 of the Paper. A previous application (No. A/YL-PH/458) at the same site for the same use was approved by the Town Planning Appeal Board (TPAB) on 11.1.2006 for a period of one year. There had been no change in circumstances since then.

69. Members raised the following questions on the application :

- (a) what the Town Planning Board's reasons for rejecting the previous application (No. A/YL-PH/458) were;
- (b) what the reasons of the TPAB for permitting the application for only one year were;
- (c) whether the application was for open storage use; and
- (d) whether the containers currently on site were illegal structures.

70. In response, Mr. Wilson Y.L. So, DPO/TMYL, made the following main points :

- (a) on 23.7.2004, the Town Planning Board rejected on review the previous application (No. A/YL-PH/458) based on the consideration that the application site was within Category 3 areas under the Town Planning Board Guidelines No. 13C for Application for Open Storage and Port Back-up Uses and there had not been any previous approval granted;
- (b) the TPAB held a different view that the containers on the application site had in fact been modified as structures for storage of goods. The Town Planning Board Guidelines No. 13C was therefore not applicable.

Together with the consideration that the locality was thinly populated and other reasons as stated in paragraph 6.1 of the Paper, the TPAB allowed the application for a period of one year for the applicant to demonstrate that all approval conditions would be complied with;

- (c) Members were referred to the Buildings Department (BD)'s comments in paragraph 10.1.10 of the Paper that BD had no in-principle objection to the application subject to the removal of all unauthorized building works/structures on site; and
- (d) as shown in Photos No. 6 to 8 on Plan A-5 of the Paper, sauces in plastic bottles were stored inside converted containers. The use was more akin to a warehouse operation.

71. Mr. Wilson Y.L. So went on to say that since there had been previous approval granted and there were no adverse comments from concerned Government departments and no local complaints, it was recommended that the application could be approved for a period of 3 years.

Deliberation Session

72. In response to a Member's question, the Secretary said that according to the Town Planning Board Guidelines No. 13C, 'open storage' uses related to activities carried out on a site for which the greater part (generally assumed to be more than 50%) was uncovered. In both the previous and current applications, the applicant indicated the applied use as 'open storage of containers for storage of sauces'. When the TPAB considered the case, there were divided views. A majority of the TPAB members considered that the application did not involve open storage of containers. Rather, the containers were structures for storage. Hence, the Town Planning Guidelines No. 13C was not applicable. The majority of the TPAB members agreed to allow the application on the consideration that the subject locality was thinly populated, the applied use would not bring significant adverse traffic and environmental impacts, concerns from Government departments could be addressed by approval conditions, and the operation would create jobs. The application was allowed for one year to give the applicant a chance to demonstrate that the operation would

not generate adverse drainage, traffic, visual and environmental impacts on the surrounding areas subject to a set of specifically drawn up conditions. Amongst the TPAB approval conditions, it was specified that “all goods stored at the site should be kept inside the structures put or erected in the site. No goods should be placed in open storage or in area or space which was not enclosed in wind and water tight structures”.

73. The Chairperson said that based on the TPAB’s interpretation, the containers were converted for warehouse/godown purpose. Members were invited to consider whether such use was acceptable within the “Residential (Group D)” zone.

74. A Member said that the TPAB’s decision had been made that such warehouse use at the application site was acceptable. Within the one-year permission granted, all the approval conditions had been complied with and there had been no change in circumstances. There were no strong reasons to reject the application. Other Members shared the view.

75. In response to a Member’s further enquiry on the status of the structures on site, the Chairperson said that the Committee should focus on the land use planning considerations in determining planning applications. The issue of whether illegal structures were involved could be dealt with by the relevant Authority.

76. A Member suggested that to avoid further confusion on interpretation and should the application be approved by the Committee, the approval conditions should emphasize that the use should not be for open storage purpose. The same Member opined that the BD should be reminded to check if the on-site structures were illegal particularly due to safety considerations.

77. In response to the Chairperson’s follow-up question on the approval conditions, Mr. Wilson Y.L. So said that conditions recommended under paragraph 12.2 of the Paper were more typical of those imposed by the Town Planning Board and were rather dissimilar from those imposed by the TPAB on the previous application. The Secretary suggested that the approval conditions for the current application should be suitably modified to more closely follow those imposed by the TPAB. The Committee agreed.

78. In response to a Member’s enquiry, Mr. Elvis W.K. Au confirmed that the ‘Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage

Sites' issued by the Environmental Protection Department should still apply in this case as temporary uses were involved.

79. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 5.1.2010, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no structures, including containers standing alone or stacked together, inside the site should exceed the height of 2 conventional containers stacked together during the planning approval period;
- (b) no part of the site should be used for storing anything other than goods belonging to or dealt with by the applicant in the business of Parsley Sauce and Food Industrial at any time during the planning approval period;
- (c) all goods stored at the site should be kept inside the structures put or erected in the site at all times during the planning approval period. No goods should be placed in open storage or in area or space which was not enclosed in wind and water tight structures at any time during the planning approval period;
- (d) except for the purpose of loading and unloading, no vehicle should be parked in the site except for vehicles belonging to the applicant at any time during the planning approval period. In any event, no more than 10 vehicles should be parked in the site;
- (e) the site should be kept clean to the satisfaction of the Director of Food and Environmental Hygiene at all times during the planning approval period;
- (f) the drainage facilities as implemented under Application No. A/YL-PH/458 on the application site should be maintained at all times during the planning approval period;
- (g) 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 5.7.2007;

- (h) in relation to (g) above, the implementation of the accepted 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 5.10.2007;
- (i) the submission of tree preservation and landscape proposals within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 5.7.2007;
- (j) in relation to (i) above, the implementation of the accepted tree preservation and landscape proposals within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 5.10.2007;
- (k) the provision of a 9-litre water type fire extinguisher for every 100m² of the area used as office, canteen and rest room for employees within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 5.7.2007;
- (l) if any of the above planning condition (a), (b), (c), (d), (e) or (f) 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 conditions (g), (h), (i), (j) or (k) 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;
- (n) 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; and
- (o) the planning permission was personal to the applicant and should be automatically revoked upon the applicant's parting with possession of the site or any part thereof.

80. 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 no structures were allowed to be erected without prior approval from his Office. His recent site inspection revealed that the site was being used for storage of saucers with some container-converted structures erected thereon. Also, some small pieces of Government land within the site were found being occupied without his prior approval. His office reserved the right to take lease enforcement and land control action against the irregularities. A Short Term Waiver and a Short Term Tenancy should be applied from his office for regularization of the unauthorized structures on the lot and the occupation of Government land respectively. However, his office did not guarantee that approval would be given upon application. His office also did not maintain the informal track which ran through Government land for access to the site from Fan Kam Road;
- (c) note the Assistant Commissioner for Transport/New Territories, Transport Department's comments that the land status, management and maintenance responsibility of the track leading to the site from Fan Kam Road should be checked;
- (d) note the Chief Highway Engineer/New Territories West, Highways Department (HyD)'s comments that a run-in should be constructed at the access point in accordance with the latest version of HyD's Standard Drawing Nos. H1113 and H1114 or H5115 and H5116 whichever set as appropriate to match the pavement type of adjacent footpath;
- (e) follow the latest 'Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites' issued by Environmental Protection Department;

- (f) note the Chief Engineer/Mainland North, Drainage Services Department's comments that the drainage facilities as shown in the planning submission were different from those implemented under the previous application No. A/YL-PH/458;
- (g) note the Chief Town Planner/Urban Design and Landscape, Planning Department's comments that existing trees on the site should not be felled, removed, or disturbed during the site operation;
- (h) note the Director of Agriculture, Fisheries and Conservation's comments that one of the mature trees *Delonix regia*, which the applicant pledged to conserve in his review statement dated 20.5.2004, was found felled during his recent site visit. All the existing trees on site should be conserved in situ;
- (i) note the Chief Engineer/Development (2), Water Supplies Department (WSD)'s comments that some existing water mains would be affected by the development. The applicant should bear the cost of any necessary diversion works affected by the development. In case it was not feasible to divert the affected water mains, a waterworks reserve within 1.5m from the centerline of the water main should be provided to WSD. No structure should be erected over the waterworks reserve and such area should not be used for storage purposes. Free access should be maintained and provided to the Water Authority and his officers, agents and contractors and his or their workmen 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 the said area. The Government should not be liable for any damage whatsoever and however caused arising from burst or leakage of the public water mains within and in the vicinity of the site;
- (j) note the Director of Fire Services' comments that the site involved storage/use of bleaching agents and caustic powder, which might be

classified as Dangerous Goods depending on the quantity of storage of those substances. As such, the applicant/operator of the site should approach his Dangerous Goods Division for advice on licensing of the premises for the above purposes where necessary; and

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

[Open Meeting (Presentation and Question Session only)]

- (iv) A/YL-PS/260 Proposed Temporary Bus Washing Plant with Water Recycling Plant
for a Period of 3 Years
in "Comprehensive Development Area" zone,
Short Term Tenancy No. 1313(Part), Hung Shui Kiu,
Ping Shan, Yuen Long
(RNTPC Paper No. A/YL-PS/260)
-

Presentation and Question Session

81. The Committee noted that on 27.12.2006, the applicant submitted further information to address the comments from the Environmental Protection Department. As comments from relevant Government departments were yet to be received, a deferment of the consideration of the application was recommended.

Deliberation Session

82. After deliberation, the Committee decided to defer a decision on the application pending the receipt of comments from Government departments.

[Open Meeting (Presentation and Question Session only)]

- (v) A/YL-PS/261 Proposed Residential Development with Ancillary Recreational Facilities and Car Park (Amendments to Previously Approved Development Scheme under Application No. A/YL-PS/234) with a Minor Relaxation of the Building Height Restriction in “Residential (Group A)2” and “Comprehensive Development Area” zones, Lot 4313 in DD 124 and Adjoining Government Land, Ping Shan, Yuen Long
(RNTPC Paper No. A/YL-PS/261)
-

83. The Secretary said that the application was submitted by Dartfield Development Ltd. which was a subsidiary company of Sun Hung Kai Properties Ltd. (SHKP). Mr. Alfred Donald Yap and Mr. Y.K. Cheng, having current business dealings with SHKP, had declared interests in this item. The Committee noted that Mr. Cheng had tendered his apologies for being unable to attend the meeting.

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

Presentation and Question Session

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

- (a) background to the application;
- (b) the proposed residential development with ancillary recreational facilities and car park (amendments to previously approved development scheme) with a minor relaxation of the building height restriction;
- (c) departmental comments – no objection from concerned Government departments was received;
- (d) no public comment was received during the statutory publication period and no local objection was received by the District Officer; and

- (e) the Planning Department (PlanD)'s views – the PlanD had no objection to the application for the reasons detailed in paragraph 11.1 of the Paper.

85. In response to a Member's enquiry, Mr. Wilson Y.L. So, DPO/TNYL, said that unlike the current application, the previously rejected application (No. A/YL-PS/224) had included the site area zoned "Comprehensive Development Area" (about 220m²) into the gross floor area (GFA) calculation and had requested for a relaxation in site coverage. This previous application was rejected by the Committee on 15.9.2006 mainly on the grounds that there was no strong justification for a relaxation in site coverage and an exceedance of the permissible development intensity stipulated on the relevant Outline Zoning Plan.

Deliberation Session

86. The Chairperson said that the current application involved some adjustments in the proposed GFA and total number of flats from the approved scheme under Application No. A/YL-PS/234.

87. 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 5.1.2011, 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, tree survey report, tree preservation scheme and compensatory planting scheme to the satisfaction of the Director of Planning or of the TPB;
- (b) the provision of vehicular access point, internal road/traffic access, parking (including motorcycle and bicycle parking spaces) and loading/unloading facilities to the satisfaction of the Commissioner for Transport or of the TPB; and
- (c) the provision of emergency vehicular access, water supplies for fire fighting and fire service installations to the satisfaction of the Director of Fire Services or of the TPB.

88. The Committee also agreed to advise the applicant to note :
- (a) the District Lands Officer/Yuen Long, Lands Department's comments that the applicant was required to seek separate approval from his department for a land exchange so to implement the proposed development and the question regarding grant of extra government land, now designated as Yellow Area under the land grant conditions, would be formally considered at the land exchange stage;
 - (b) the Assistant Commissioner for Transport/New Territories, Transport Department's comments to assess and advise if the existing road facilities including footways, pedestrian crossings, etc. in the vicinity of the proposed development were adequate for the commuting of future occupants;
 - (c) the Chief Highway Engineer/New Territories West, Highways Department's comments that a run-in instead of a junction should be adopted for the access and the run-in should be constructed to the latest version of Highways Department Standard Drawing No. H1113 and H1114 or H5115 and H5116 as appropriate to suit site conditions;
 - (d) the Chief Building Surveyor/New Territories West, Buildings Department's comments that the provision of emergency vehicular access to the building should be in accordance with B(P)R 41D; and
 - (e) the Head of the Geotechnical Engineering Office, Civil Engineering and Development Department's comments that the north-eastern part of the site falls within Scheduled Area No. 2, beneath which marble with cavities might be present. Foundation plan should be submitted to the Buildings Department for approval.

[Open Meeting (Presentation and Question Session only)]

- (vi) A/YL-TT/202 Temporary Place of Recreation, Sports or Culture (Barbecue Area, Hobby Farm and Mini-motorcycle Playground) for a Period of 3 Years in "Agriculture" zone, Lots 1418(Part), 1419(Part), 1420(Part), 1421(Part), 1422(Part), 1423(Part), 1426(Part), 1427(Part), 1428(Part), 1429(Part), 1430(Part) and 1431(Part) in DD 118, Tai Tong, Yuen Long (RNTPC Paper No. A/YL-TT/202)
-

Presentation and Question Session

89. The Committee noted that the applicant requested on 8.12.2006 for a deferment of the consideration of the application to allow more time to prepare supplementary information on the environmental aspects.

Deliberation Session

90. 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)]

- (vii) A/YL-TYST/341 Temporary Open Storage of Building Materials for a Period of 3 Years in "Undetermined" zone, Lot 2358RP(Part) in DD 120, Tin Liu Tsuen, Yuen Long (RNTPC Paper No. A/YL-TYST/341)
-

Presentation and Question Session

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

- (a) background to the application;
- (b) the applied temporary open storage of building materials for a period of 3 years;
- (c) departmental comments – highlighting the Environmental Protection Department’s advice that the application site was the subject of one compliant in the past 3 years in relation to waste. No objection from other concerned Government departments was received;
- (d) one public comment objecting to the application on grounds of adverse traffic and environmental impacts was received during the statutory publication period. The same objection was received by the District Officer; and
- (e) the Planning Department (PlanD)’s views – the PlanD had no objection to the application for the reasons detailed in paragraph 12.2 of the Paper. The applied use complied with the Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses and was considered not incompatible with the surrounding land uses. There were no sensitive receivers in the immediate vicinity of the application site and the EPD did not raise objection to the application. Other concerned Government departments including the Transport Department raised no adverse comments on the application.

92. Members had no question on the application.

Deliberation Session

93. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 5.1.2010, 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 p.m. and 7 a.m. was allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays was allowed on the site during the planning approval period;
- (c) no repairing, dismantling and workshop activities should be carried out on the site at any time during the planning approval period;
- (d) no heavy vehicles, i.e. over 24 tonnes, were allowed for the operation of the site at any time during the planning approval period;
- (e) the existing landscape planting on the site should be maintained at all times during the planning approval period;
- (f) the existing drainage facilities on the site should be maintained at all times during the planning approval period; and
- (g) if any of the above planning conditions (a), (b), (c), (d), (e) or (f) 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.

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

- (a) note the Assistant Commissioner for Transport/New Territories, Transport Department's comments that the land status of the road/path/track leading to the site should be checked with the lands authority. The management and maintenance responsibilities of the same road/path/track should be clarified and the relevant lands and maintenance authorities should also be consulted accordingly;

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

[The Chairperson thanked Mr. Wilson Y.L. So, DPO/TMYL, and Mr. Frederick S.T. Ng, STP/TMYL, for their attendance to answer Members' enquiries. Messrs. So and Ng left the meeting at this point.]

Agenda Item 8

Any Other Business

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