

TOWN PLANNING BOARD

Minutes of 349th Meeting of the Rural and New Town Planning Committee held at 2:30 p.m. on 11.5.2007

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

Mr. David W.M. Chan

Professor David Dudgeon

Mr. Edmund K.H. Leung

Mr. Alfred Donald Yap

Mr. B.W. Chan

Ms. Anna S.Y. Kwong

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

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

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

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

Secretary

Absent with Apologies

Professor Peter R. Hills

Dr. Lily Chiang

Dr. C.N. Ng

Mr. Tony C.N. Kan

Mr. Y.K. Cheng

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
Miss Rowena M.F. Lee

Agenda Item 1

Confirmation of the Draft Minutes of the 348th RNTPC Meeting held on 27.4.2007

[Open Meeting]

1. The draft minutes of the 348th RNTPC meeting held on 27.4.2007 were confirmed without amendments.

Agenda Item 2

Matters Arising

[Open Meeting]

2. The Secretary said there was no matters arising to be reported.

Tuen Mun and Yuen Long District

[Mr. Wilson W.S. Chan, Senior Town Planner/Tuen Mun and Yuen Long (STP/TMYL), was invited to the meeting at this point.]

Agenda Item 3

Section 16 Applications

[Open Meeting (Presentation and Question Sessions Only)]

A/TM/356 Renewal of Planning Approval for Temporary Public Vehicle Park
(Excluding Container Vehicle) Use under Application No. A/TM/315
for a Period of 3 Years from 29.5.2007 to 28.5.2010
(Letting of Surplus Parking Spaces to Non-residents)
in “Residential (Group A)” zone,
Car Parks at Siu Hong Court and Wu King Estate, Tuen Mun
(RNTPC Paper No. A/TM/356)

3. The Secretary reported that the application was submitted by Hong Kong Housing Authority (HKHA) and the following Members had declared interests in this item :

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| Mrs. Ava S.Y. Ng
as the Director of Planning | - being a member of the Strategic Planning Committee of the HKHA; |
| Mr. C.S. Mills
as the Assistant Director
(New Territories)
of the Lands Department | - being an alternate member for the Director of Lands who was a member of the HKHA; |
| Ms. Margaret Hsia
as Assistant Director (2) of the Home Affairs Department | - being an alternate member for the Director of Home Affairs who was a member of the Strategic Planning Committee of the HKHA; |
| Messrs. B.W. Chan and
Y.K. Cheng | - being former HKHA members. |

4. Members noted that Mr. Y.K. Cheng and Ms. Margaret Hsia had tendered their apologies for not attending the meeting, whilst Mr. B.W. Chan had not yet arrived.

[The Chairperson and Mr. C.S. Mills left the meeting temporarily whilst the Vice-Chairman took over the chairmanship at this point.]

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed renewal of planning approval for temporary public vehicle park (excluding container vehicle) use until 28.5.2010;
- (c) departmental comments – no objection or no adverse comment from concerned Government departments was received;

- (d) six public comments were received during the statutory publication period objecting on grounds of possible traffic impact, security, management, maintenance and insurance issues; and

[Professor David Dudgeon arrived to join the meeting at this point.]

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application for reasons as detailed in paragraph 11.1 of the Paper. The application was a renewal of the previous planning approval for the same use to convert residents car parks to public car parks and there had been no material change in planning circumstances since the last approval. The application met the Town Planning Board Guidelines on 'Renewal of Planning Approval and Extension of Time for Compliance with Planning Conditions for Temporary Use or Development'. Although there were public comments expressing various concerns, relevant Government departments had no objection to the application regarding the traffic, environmental and security aspects. The planning approval would be valid for 3 years after which the parking demand of the residents could be further reviewed. The applicant could be advised to liaise with the Mutual Aid Committee/Incorporated Owners of the affected housing estates on management and security measures to be implemented to ensure safety of the residents.

6. Members had no question on the application.

Deliberation Session

7. Members noted that the current application was rather similar to the previously approved case and considered that the application could be approved.

8. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years from 29.5.2007 to 28.5.2010, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) the proposed number of car parking spaces to be let to non-residents should be agreed with the Commissioner for Transport; and
- (b) the provision of fire service installations to the satisfaction of the Director of Fire Services or of the TPB.

9. The Committee also agreed to advise the applicant :

- (a) to explain the proposal to the residents of the public housing estate and Home Ownership Scheme concerned and to liaise with the Mutual Aid Committees/Incorporated Owners of the Siu Hong Court and Wu King Estate regarding the management, maintenance, security, traffic and insurance aspects in letting vacant parking spaces to non-residents;
- (b) to note the Assistant Commissioner for Transport/New Territories, Transport Department's comments that priority should be given to residents of Siu Hong Court and Wu King Estate respectively in renting the car parking spaces at all times; the monthly charges of renting the car parking spaces for both residents and non-residents should be the same; and annual reappraisal of the residents' parking demand should be carried out and submitted to his department for reference;
- (c) to note the Director of Fire Services' comments that the arrangement on Emergency Vehicular Access should comply with Part VI of the Code of Practice for Means of Access for Firefighting and Rescue which was administered by Buildings Department; and
- (d) to resolve any land issue relating to the development with other concerned owners of Siu Hong Court.

[The Vice-chairman thanked Mr. Wilson W.S. Chan, STP/TMYL, for his attendance to answer Members' enquires. Mr. Chan left the meeting at this point.]

[The Chairperson and Mr. C.S. Mills returned to join the meeting whilst Mr. Michael K.C. Lai 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 Ms. Stephanie P.H. Lai, Senior Town Planner/Shan 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 Sessions only)]

- (i) Y/NE-LYT/4 Application for Amendment to the Approved Lung Yeuk Tau and Kwan Tei South Outline Zoning Plan No. S/NE-LYT/12 from “Residential (Group C)” and “Village Type Development” zones to “Government, Institution or Community”, zone Lot 2412 in DD 83, Ma Liu Shui San Tsuen, Fanling (RNTPC Paper No. Y/NE-LYT/4)
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Presentation and Question Sessions

10. The Secretary reported that sufficient notice had been given to the applicant, the Church of Jesus Christ of Latter-Day Saints Hong Kong Limited, but the applicant had indicated that they would not attend the meeting. The Committee agreed to proceed with the consideration of the application in the absence of the applicant.

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

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| Mr. W.K. Hui | - | District Planning Officer/Shan Tin, Tai Po and North (DPO/STN) |
| Ms. Stephanie P.H. Lai | - | Senior Town Planner/STN (STP/STN) |

12. The Chairperson extended a welcome and invited Ms. Stephanie P.H. Lai to brief Members on the background to the application.

13. Ms. Stephanie P.H. Lai presented the application as detailed in the Paper and made the following main points :

- (a) the applicant proposed to rezone the application site from “Residential (Group C)” (“R(C)”) and “Village Type Development” (“V”) to “Government, Institution or Community” (“G/IC”) in the approved Lung Yeuk Tau and Kwan Tei South Outline Zoning Plan No. S/NE-LYT/12 to reflect the current use as a religious institution (chapel) and to facilitate extension to the chapel at the application site which comprised a 2-storeyed building annexed to the existing chapel, with a maximum PR of 0.379, maximum site coverage of about 25% and a maximum gross floor area of about 1,145m²;
- (b) the District Lands Officer/North (DLO/N) had reservation as the site fell within the village expansion boundary for Ma Liu Shui San Tsuen and part of the site fell within the “V” zone. There was insufficient land to meet the Small House demand in this “V” zone. The Director of Environmental Protection (DEP) did not support the application because if the Board agreed to the proposed “G/IC” zoning, in which religious institution was a Column 1 use and no planning permission was required, no planning condition could be stipulated to ensure the implementation of the proposed sewerage measures. No objection or no adverse comments from other concerned Government departments were received;
- (c) three public comments was received during the statutory publication period objecting on grounds of causing adverse impacts on fung shui, traffic, environmental and hygiene, leading to religious conflict in the area and disruption to the tranquillity of the village. Three objections were received by the District Officer/North objecting on grounds of adverse impacts on the fung shui, social relation, religious conflict, visual, traffic, environmental and hygiene aspects, as well as disruption of the tranquillity of the village;

- (d) PlanD's Views - PlanD had no objection to the application for reasons as detailed in paragraph 10.1 of the Paper. The proposed rezoning was to reflect the current use of a religious institution (chapel) and to facilitate extension of the chapel to cater for the growing congregation. The chapel was located at the edge of the "R(C)" and "V" zones and therefore would not have significant effect on the integrity of the two zones. Although DLO/N was concerned about the loss of "V" land for Small House development, the subject private lot was held by the church. While DEP was concerned that no planning condition could be imposed, the necessary sewerage requirement could be effected in the lease modification process. Regarding the local concerns, concerned Government departments were satisfied that no adverse impact would be resulted. Besides, the development had separate access, parking and peripheral landscaping and planting to screen the development from the surrounding areas. The concern on fung shui per se was not a planning consideration. To maintain control on the development scale and avoid any adverse impact, PlanD proposed to rezone the site to "G/IC(1)" based on the development parameters as applied for, i.e. maximum PR of 0.38 and maximum building height of 2 storeys (14m).

14. Members had the following questions on the application :

- (a) whether the loss of "V" land due to the rezoning would be compensated elsewhere;
- (b) whether the proposed rezoning which encroached on the Queen's Hill Archaeological Site would have adverse impacts on it;
- (c) whether the proposed sewerage measures were feasible, noting that the proposed on-site sewage treatment plant would be very expensive whilst the proposed connection to the public sewer entailed a long distance and would also be costly; and
- (d) whether the potential conflicts between the church and the local residents could be resolved.

15. Mr. W.K. Hui, DPO/STN, made the following responses :

- (a) PlanD would regularly review “V” zone boundaries. Although the proposed chapel extension would take up part of the “V” zone, the land was owned by the church which had no intention to release it for Small House development;
- (b) the application site only encroached slightly on the fringe of the Queen’s Hill Archaeological Site and the affected area was very small and insignificant. The Antiquities and Monuments Office (AMO) under the Leisure and Cultural Services Department had no comment on the application;
- (c) the lease governing the private lot for the chapel use stipulated that the sewerage aspect of the development should be to the satisfaction of DEP. As such, the sewerage measures for both the existing chapel and the proposed extension required DEP’s approval. A septic tank was currently provided on site, and two options, one for provision of an on-site sewage treatment plant and the other for connection to the public sewers had been proposed for the extension;
- (d) to address the local concerns which cited potential conflicts with the church, adverse impacts on traffic, environment, visual, security and hygiene, the applicant had proposed such measures as separate access and peripheral landscaping and planting of the site to screen the development from the surrounding areas. The applicant could be advised to brief and liaise with the local villagers regarding the proposed development.

16. Mr. H.M. Wong said that the two options of sewerage measures were acceptable from a technical point of view. The applicant had not provided any information on the cost aspect. However, he did not support allowing the chapel extension by way of rezoning. He considered that the application should more appropriately be dealt with by way of a section 16 application so that a planning condition requiring provision of sewerage measures to the satisfaction of DEP could be stipulated.

17. In response, Mr. W.K. Hui reiterated that the lease governing the site already had a special condition requiring provision of sewerage facilities to the satisfaction of DEP, which was considered sufficient.

18. Regarding the question raised on the Queen's Hill Archaeological Site, the Chairperson said that although the application site encroached on the boundary of the archaeological site, it did not imply prohibition for development. It only required prior consultation with the AMO in order to ensure that any relics that might be found within the site could be salvaged before development took place.

Deliberation Session

19. Members noted that the chapel had existed at the application site since 1999 and the concerned private lot was owned by the applicant.

20. Mr. H.M. Wong reiterated that DEP had no objection to the proposed chapel extension and the proposed sewerage measures. However, the development should be approved under a section 16 application, rather than allowed by way of a section 12A rezoning application, so that planning condition requiring satisfactory provision of sewerage facilities could be stipulated. Although paragraph 10.1(c) of the paper stated that the necessary requirement could be effected in the lease modification process, past experience indicated that enforcement through the re-entry power under the lease would be very cumbersome and time-consuming. He wondered if the Lands Department (LandsD) would be prepared to include a relevant condition in the lease. Besides, lease condition was a contractual requirement whilst planning condition was a statutory requirement and thus more effective in terms of enforcement.

21. Mr. W.K. Hui responded that the existing lease governing the site already had a clause requiring provision of sewerage facilities to the satisfaction of DEP. Besides, the applicant would need to submit building plans for his development and the provision of sewerage measures could be safeguarded at that stage.

22. Mr. C.S. Mills advised that LandsD would keep the existing special condition on provision of sewerage facilities and was willing to take on board DEP's requirement on the sewerage aspect during the lease modification stage. However, he agreed that the sanction

for breaching lease conditions was re-entry which was not frequently used.

23. The Secretary clarified that the proposed chapel extension would need to be dealt with by way of a section 12A application given the development restrictions for the “R(C)” zone was PR of 0.2. The proposed extension with a PR of 0.38 had much exceeded the restriction and could not be regarded as a minor relaxation to the PR restriction. If Members considered the proposed extension acceptable but had concerns over the sewerage aspect, Members could consider rezoning the site to “G/IC(1)” with a proviso requiring submission of planning application.

24. The Secretary apologised that she had a very important meeting to attend and had to leave the meeting.

[The Secretary left the meeting at this point.]

25. In response to a Member’s query, Mr. W.K. Hui confirmed that, according to the proposal, the extension accommodated 278 persons in the chapel on the first floor and additional 140 persons for bible study on the ground floor.

26. Noting DEP’s concern on the provision of sewerage measures and the concern of the villagers, Members agreed that the site should be rezoned to “G/IC(1)” with ‘Religious Institution’ use put under Column 2 of the Notes requiring planning permission from the Town Planning Board. Development restrictions including a maximum PR of 0.38 and a maximum building height of 2 storeys (14m) would be stipulated under the Notes for the “G/IC(1)” zone.

[Mr. W.K. Hui, DPO/STN and Ms. Stephanie P.H. Lai, STP/STN left the meeting at this point.]

27. After deliberation, the Committee decided to rezone the application site from “Residential (Group C)” and “Village Type Development” to “Government, Institution or Community (1)” zone with ‘Religious Institution’ use to be put under Column 2 of the Notes for the “G/IC(1)” zone, and stipulation of a maximum plot ratio of 0.38 and a maximum building height of 2 storeys (14m) to retain adequate planning control.

28. The Committee also agreed to advise the applicant :
- (a) application to the District Lands Officer/North, Lands Department for lease modification would be required for the proposed development;
 - (b) to note the local views/objection at Annex III of the Paper, and brief and liaise with the local villagers regarding the proposed development; and
 - (c) to note the provision of emergency vehicular access should comply with Building (Planning) Regulation 41D administered by the Buildings Department.

[Open Meeting (Presentation and Question Sessions only)]

- (ii) Y/TP/4 Application for Amendment to the Approved Tai Po Outline Zoning Plan No. S/TP/19 from “Open Space” and “Other Specified Uses” annotated “Open Space, Existing Building to be preserved for Government, Institution or Community Use” zones to “Government, Institution or Community”, zone, Government Land in DD 32, Yuen Chau Tsai, Tai Po (RNTPC Paper No. Y/TP/4)
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Presentation and Question Sessions

29. Mr. Alfred Donald Yap declared an interest as he regularly donated to the Tai Wong Yea Temple during major Chinese festivals.

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

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

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| Mr. W.K. Hui | - | District Planning Officer/Shu Tin, Tai Po and North (DPO/STN) |
| Ms. Stephanie P.H. Lai | - | Senior Town Planner/STN (STP/STN) |

31. The following applicant's representatives were invited to the meeting at this point :

Mr. Chung Cho-tai	}	Applicants' Representatives
Mr. So Loi	}	
Mr. So Chi-keung	}	
Mr. So Ma-chun	}	
Mr. Choi Pui-sum	}	
Ms. Chan Wan-sim	}	

32. The Chairperson extended a welcome and explained the procedures of the hearing. The Chairperson then invited Ms. Stephanie P.H. Lai to brief Members on the background to the application.

33. Ms. Stephanie P.H. Lai presented the application as detailed in the Paper and made the following main points :

- (a) the application was for rezoning a piece of Government land in Yuen Chau Tsai, Tai Po adjoining the Tai Wong Yea Temple and at the south-western fringe of Yuen Chau Tsai (Island House) Archaeological site. It was currently zoned "Open Space" and "Other Specified Uses" ("OU") annotated "Open Space, Existing Building to be preserved for Government, Institution or Community Use" to "Government, Institution or Community" zone;
- (b) the applicant intended to develop a 2-storey rural committee building for the Tai Po Yuen Chau Tsai Fishermen's Village Association with a total gross floor area (GFA) of 130.06m²;
- (c) the rural committee building would be used for daily operation of the committee to enhance preservation of the Tai Wong Yea Temple and would also provide a venue for the social gatherings and functions of the fishermen of Yuen Chau Tsai;
- (d) no objection or no adverse comments from concerned Government

departments was received, including the Antiquities and Monuments Office of the Leisure and Cultural Services Department (AMO, LCSD). However, AMO, LCSD reminded that a permit under section 6 of the Antiquities and Monuments Ordinance (Cap. 53) was required prior to commencement of the site works as the proposed development fell within the monument boundary of the Island House;

- (e) one public comment was received during the statutory publication period from the World Wildlife Fund for Nature Hong Kong (WWFHK). WWFHK had no objection to the application but raised concern on the impact of the rural committee building on the adjacent well vegetated slope and the Banyan and other trees there. WWFHK considered the rezoning to “G/IC” was inappropriate as many of the permitted uses included in Column 1 of the Notes for this zone were unsuitable. The current “OU” zoning should be retained, adding ‘Rural Committee/Village Office’ into Column 2 of the Notes for the existing “OU” zoning to enable the Board to consider in detail the merits of the proposed rural committee building;
- (f) PlanD had no objection to the application for reasons as detailed in paragraph 9.1 of the Paper. There was no provision in the current “OU” zoning for development of the proposed rural committee building. The proposed rezoning to “G/IC” was appropriate to reflect the nature of this use. The proposed rezoning would not affect the integrity of the “OU” and “O” zones as the application site was small in scale, located at the fringe of these two zones, and outside the historical compound of the Island House. The 2-storey building with a GFA of 130.06m² would not be incompatible with or having any adverse impacts on the surrounding uses;
- (g) although WWFHK raised concern, concerned Government departments had no objection or adverse comments on the application. WWFHK’s suggestion to include ‘Rural Committee/Village Office’ in Column 2 of

the existing zone was less appropriate as planning permission would then be required for the rural committee building which, however, was considered not incompatible with and having no adverse impacts on the surrounding areas;

- (h) due to the need to preserve the adjoining historical compound of Island House and the specific nature of the rural committee building, the site was proposed to be rezoned to “G/IC(1)” with a restrictive list of uses as set out in Appendix IV of the Paper.

[Professor Nora F.Y. Tam left the meeting temporarily at this point.]

34. The Chairperson then invited the applicant’s representatives to elaborate on their justifications for the application.

35. Mr. Chung Cho-tai made the following main points :

- (a) five clans of fishermen in Tai Po had been living in Yuen Chau Tsai long before Hong Kong became a colony in the 19th Century. They built the Tai Wong Yea Temple as the centre for religious and village activities. The village’s most prosperous period accommodated several hundred houses;
- (b) in the 1970s and 1980s, Yuen Chau Tsai fishermen village was disintegrated due to the construction of the Tolo Highway by the Government. No resite had been made for the village and the fishermen scattered elsewhere. However, Yuen Chau Tsai fishermen, amounted to about 15,000 persons, would pay tribute to the Tai Wong Yea annually on the sixth of May of the Lunar Calendar for his birthday. Besides, other village matters were attended to by the Rural Committee, including maintenance of the fishermen’s graves, management of the fishermen’s list and so on. There was a strong need for a rural committee building for the meeting, daily liaison, filing and storage use of the villagers;

(c) the piece of vacant land adjoining the Tai Wong Yea Temple was considered most appropriate as the tradition of the fishermen started and continued from there; and

(d) concerned Government departments, local residents and related organisations had been consulted on the proposed rural committee building. Several rounds of amendments to the scheme had been made to accommodate the comments received. They now had no objection or no adverse comments on the proposal.

36. Members had no question on the application.

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

Deliberation Session

38. Members considered the rezoning application to facilitate the development of the proposed small-scale rural committee building acceptable.

39. After deliberation, the Committee decided to rezone the application site from "Open Space" and "Other Specified Uses" annotated "Open Space, Existing Building to be preserved for Government, Institution or Community Use" to "Government, Institution or Community (1)" zone with the Notes as set out in Appendix IV of the Paper.

Agenda Item 5

Section 16 Applications

[Open Meeting (Presentation and Question Sessions Only)]

- (i) A/NE-KTN/120 Proposed Temporary Warehouses for Storage of Packed Commodities for a Period of 3 Years in “Agriculture” zone, Lots 1017(Part), 1018, 1020C, 1021(Part), 1022(Part), 1023, 1024(Part), 1025(Part) and 1026RP(Part) in DD 95, Ho Sheung Heung, Kwu Tung North
(RNTPC Paper No. A/NE-KTN/120)
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Presentation and Question Sessions

40. The Committee noted that the applicant on 24.4.2007 requested for a further deferment of the consideration of the application to allow time to prepare additional information to address technical concerns of Government departments.

Deliberation Session

41. 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.

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

[Open Meeting (Presentation and Question Sessions Only)]

- (ii) A/NE-KTS/248 Proposed House
(New Territories Exempted House — Small House)
in “Agriculture” zone,
Lot 1422B in DD 100, Chan Uk Po, Tsiu Keng, Sheung Shui
(RNTPC Paper No. A/NE-KTS/248)
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[Open Meeting (Presentation and Question Sessions Only)]

- (iii) A/NE-KTS/249 Proposed House
(New Territories Exempted House — Small House)
in “Village Type Development” and “Agriculture” zones,
Lot 1422A in DD 100, Chan Uk Po, Tsiu Keng, Sheung Shui
(RNTPC Paper No. A/NE-KTS/249)
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Presentation and Question Sessions

42. Noting that the two applications were similar in nature and the application sites were adjoining to each other, Members agreed to consider the two applications together.

43. Ms. Stephanie P.H. Lai, STP/STN, presented the applications and covered the following aspects as detailed in the Paper :

- (a) background to the applications;
- (b) the proposed house (New Territories Exempted House (NTEH) — Small House) in the respective application;
- (c) departmental comments – the Director of Agriculture, Fisheries and Conservation did not favour the applications as the sites were classified as ‘good’ agricultural land with high potential for agricultural rehabilitation. The Assistant Commissioner for Transport/New Territories had reservation on Application No. A/NE-KTS/248 as NTEH should be confined within the “Village Type Development” (“V”) zone as far as possible where the traffic and transport facilities had been planned for and provided. No objection or no adverse comments from other concerned Government

departments were received;

- (d) no public comment was received during the statutory publication period and no local objection/view was received by the District Officer; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the applications for reasons as detailed in paragraph 11.1 of the Papers. The proposed Small Houses complied with the Interim Criteria for Assessing Planning Applications for NTEH/Small House Development (the Interim Criteria) in that the sites were located within the village 'environs' and there was a general shortage of land in meeting the demand for Small House development in the subject "V" zone. They were not incompatible with the surrounding areas as they were located immediately to the north of the "V" zone.

44. Members had no question on the applications.

Deliberation Session

45. Members considered that the applications complied with the Interim Criteria and could be approved.

46. After deliberation, the Committee decided to approve the applications, each on the terms of the application as submitted to the Town Planning Board (TPB). Each permission should be valid until 11.5.2011, 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. Each permission was subject to the following conditions :

- (a) the design and provision of drainage facilities to the satisfaction of the Director of Drainage Services or of the TPB;
- (b) the design and provision of firefighting access, water supplies and fire service installations to the satisfaction of the Director of Fire Services or of the TPB; and

- (c) the submission and implementation of a tree preservation proposal and landscaping proposals to the satisfaction of the Director of Planning or of the TPB.

47. The Committee also agreed to advise the applicants :

- (a) to note the Chief Engineer/Development(2), Water Supplies Department's comments that:
 - (i) for provision of water supply to the proposed development, the applicant might need to extend his inside services to the nearest suitable Government water mains for connection, to resolve any land matter (such as private lots) associated with the provision of water supply, and be responsible for the construction, operation and maintenance of the inside services within private lots to Water Supplies Department's standards; and
 - (ii) water mains in the vicinity of the application site could not provide the standard firefighting flow;
 - (iii) 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 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.

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

[Open Meeting (Presentation and Question Sessions Only)]

- (iv) A/NE-LYT/357 Temporary Open Storage of Vehicles, Vehicle Parts and Metal with Ancillary Structures for a Period of 3 Years in “Residential (Group C)” zone, Lots 1036RP(Part), 1037RP(Part), 1038(Part), 1050(Part) and 1051(Part) in DD 83 and Adjoining Government Land, Sha Tau Kok Road, Fanling
(RNTPC Paper No. A/NE-LYT/357)
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Presentation and Question Sessions

48. Ms. Stephanie P.H. Lai, STP/STN, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed temporary open storage of vehicles, vehicle parts and metal with ancillary structures;
- (c) departmental comments – the Director of Environmental Protection (DEP) did not support the application as there were sensitive users in the vicinity of the application site, and environmental nuisance was expected. No objection or no adverse comments from other concerned Government departments were received;
- (d) one public comment was received from a North District Councillor during the statutory publication period requesting the Government to monitor the impacts of the applied uses on the traffic, environment, drainage, hygiene and local villagers; and

[Professor Nora F.Y. Tam returned to join the meeting at this point.]

- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application for the reasons as detailed in paragraph 12.2 of the Paper. The

development was in line with the Town Planning Board Guidelines No. 13D for Application for Open Storage and Port Back-up Uses in that previous approvals had been given and all the approval conditions had been complied with. Although it fell within Category 4 area, part of it had been used for open storage purpose prior to the gazetting of the Interim Development Permission Area Plan. Although the site was zoned “Residential (Group C)” (“R(C)”), the applicant was the sole owner of the site and had no intention to use it for residential purpose in the near future. An approval period of a further two years would not frustrate the planning intention of the “R(C)” zone whilst allowing open storage uses on the site to gradually phase out. The last two applications were given shorter approval period to avoid affecting the drainage improvement project to the south of the application site. The current application had excluded the land required for the drainage project. Although a member of the public raised concern, concerned Government departments had no objection, except DEP, whose concern could be addressed through the inclusion of approval conditions on operation hours and stacking height of the stored materials, and the suggested advisory clause on the need to follow “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” to minimise any possible environmental impacts.

49. Members had no question on the application.

Deliberation Session

50. Members considered that the development could be tolerated for two years, and the planning intention was to phase out the incompatible open storage uses in “R(C)” zone in the long run.

51. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 2 years until 11.5.2009, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

(a) no operation between 9p.m. to 8a.m. was allowed on the application site

during the approval period;

- (b) the stacking height of the materials stored within five metres of the periphery of the application site should not exceed the height of the boundary fence during the approval period;
- (c) the submission of drainage proposals within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 11.11.2007;
- (d) in relation to (c) above, the implementation of the drainage proposals within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 11.2.2008;
- (e) the submission of a tree preservation proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 11.11.2007;
- (f) in relation to (e) above, the implementation of the tree preservation proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 11.2.2008;
- (g) the submission of proposals for firefighting access, water supplies and fire service installations within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 11.11.2007;
- (h) in relation to (g) above, the provision of firefighting access, water supplies and fire service installations within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 11.2.2008;
- (i) if any of the above planning conditions (a) or (b) was not complied with during the approval period, the approval hereby given should cease to have

effect and should be revoked immediately without further notice; and

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

52. The Committee also agreed to advise the applicant :

- (a) a shorter approval period of 2 years was given to provide time for the applicant to identify a suitable site for relocation;
- (b) to apply to the District Lands Officer/North, Lands Department for a Short Term Waiver and Short Term Tenancy for regularization the structures erected on the site and the occupation of Government land respectively;
- (c) 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;
- (d) to note the comments from the Chief Engineer/Mainland North, Drainage Services Department that as an open channel (LYT01) under PWP Item No. 4119CD would be constructed next to the application site commencing from June 2007, the structures and belongings inside the application site should not be constructed or projected into the works limits of the channel; and
- (e) to note the comments from the Chief Engineer/Development(2), Water Supplies Department that the application site was located within the flood pumping catchment area associated with the River Indus and River Ganges pumping stations.

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

[Open Meeting (Presentation and Question Sessions Only)]

- (v) A/NE-TK/232 Proposed House
(New Territories Exempted House — Small House)
in “Government, Institution or Community” and ‘Road’ zones,
Lot 395C in DD 23, San Tau Kok Village,
Ting Kok Road, Tai Po
(RNTPC Paper No. A/NE-TK/232)
-

Presentation and Question Sessions

54. Ms. Stephanie P.H. Lai, 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 – the Director of Agriculture, Fisheries and Conservation had concern on the location of the site next to the Ting Kok SSSI. Approval of the application might set an undesirable precedent for similar cases in the vicinity, causing cumulative impacts on the Ting Kok SSSI. The Assistant Commissioner for Transport/New Territories had reservation as NTEH development should be confined within “Village Type Development” (“V”) zone as far as possible where the traffic and transport facilities had been planned for and provided. Also, he did not support the applicant’s proposal to provide access and car parking space as

this would involve direct vehicular access from the site to Ting Kok Road. The Chief Town Planner/Urban Design and Landscape objected to the application as the proposal would disturb the rural landscape with woodland, scrubland, lush rolling hillsides, ponds and undisturbed coastal vegetation, and would set an undesirable precedent to similar applications eventually leading to disintegration of the uniformity of the coast and degradation of the existing landscape quality of the area;

- (d) five public comments were received during the statutory publication period with four objecting on fung shui, environmental, visual and ecological grounds whilst one with no comment; and
- (e) the Planning Department (PlanD)'s views – PlanD did not support the application for reasons as detailed in paragraph 12.1 of the Paper. The application did not meet criteria (h) of the Interim Criteria for Assessing Planning Applications for NTEH/Small House Development in that there was no information in the submission to demonstrate that the proposed Small House development would not have adverse impact on the “Coastal Protection Area” (“CPA”) zone and the Ting Kok SSSI close by. Approval of the application would set an undesirable precedent for other similar applications and would lead to cumulative and general degradation of the surrounding environment, in particular irreversible impacts on the mangrove habitat along the coast.

55. Members had no question on the application.

Deliberation Session

56. In response to a Member's enquiry about the status of the temporary structures to the north-east of the application site, Mr. W.K. Hui, DPO/STN said he could not ascertain if they were legal structures without the information in hand. He would check and inform the Secretariat of his findings after the meeting.

[Post-meeting Note : DPO/STN advised that the said temporary structures existed before the gazettal of the relevant Development Permission Area Plan in 1991.]

57. Members considered that the application would result in adverse environmental impact on the environment.

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

- (a) the proposed development did not meet the Interim Criteria for Assessing Planning Applications for NTEH/Small House Development in that there was no information in the submission to demonstrate that the proposed Small House development would have no adverse impact on the “Coastal Protection Area” zone and the Ting Kok “Site of Special Scientific Interest”; and
- (b) land was still available within the “Village Type Development” (“V”) zone on the other side of Ting Kok Road for Small House development. Land within the “V” zone should be exhausted before utilizing land falling outside “V” zone for Small House development. Approval of the application would set an undesirable precedent for other similar applications in the area with cumulative impact on the environment.

[Open Meeting (Presentation and Question Sessions Only)]

- (vi) A/ST/652 Proposed Shop and Services
in “Industrial (1)” zone,
Units A1, A2, A5, A6, A7, A8 and A9, G/F,
Koon Wah Mirror Group Building, 2 Yuen Shun Circuit,
Sha Tin
(RNTPC Paper No. A/ST/652)
-

Presentation and Question Sessions

59. Ms. Stephanie P.H. Lai, STP/STN, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed shop and services use;
- (c) departmental comments – no objection or no adverse comment from concerned Government departments was received;
- (d) no public comment was received during the statutory publication period and no local objection/view was received by the District Officer; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application for reasons as detailed in paragraph 11.1 of the Paper.

60. Members had no question on the application.

Deliberation Session

61. Members considered that the application was in line with the Town Planning Board Guidelines No. 25C for Use/Development within "Industrial" Zone.

62. 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 11.5.2009, 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 the fire safety measures within six months from the date of the approval to the satisfaction of the Director of Fire Services or of the Board by 11.11.2007; and
- (b) if the above planning condition was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice.

63. The Committee also agreed to advise the applicant :
- (a) to note Director of Fire Services' comments as stated in paragraph 9.1.2(d) of the Paper; and
 - (b) to note Chief Building Surveyor/New Territories East, Buildings Department's comments as stated in paragraph 9.1.3 of the Paper.

[The Chairperson thanked Mr. W.K. Hui, DPO/STN, and Ms. Stephanie P.H. Lai, STP/STN, for their attendance to answer Members' enquires. Mr. Hui and Ms. Lai left the meeting at this point.]

Sai Kung and Islands District

[Ms. Ann O.Y. Wong, Senior Town Planner/Sai Kung and Islands (STP/SKIs), was invited to the meeting at this point.]

Agenda Item 6

Section 16 Applications

[Open Meeting (Presentation and Question Sessions Only)]

- (i) A/SK-CWBS/4 House Redevelopment
(Amendments to an Approved Scheme)
in "Village Type Development" zone,
Lot 216 in DD 235, Sheung Sze Wan Road,
Clear Water Bay, Sai Kung
(RNTPC Paper No. A/SK-CWBS/4)
-

Presentation and Question Sessions

64. Ms. Ann O.Y. Wong, STP/SKIs, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed house redevelopment (amendments to an approved scheme);
- (c) departmental comments – no objection or no adverse comment from concerned Government departments was received;
- (d) two public comments were received during the statutory publication period objecting on grounds of adverse impacts on the environment, local traffic, fung shui, health of nearby residents and resulting in cramped development in the area; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application for reasons as detailed in paragraph 11.1 of the Paper. The application only involved amendments to a previously approved scheme, with changes in the built form and disposition of the house, its internal layout and the location of the car-parking spaces while there was no change in all the development parameters. Although there were local objections, there were no objection or adverse comments from concerned Government departments. The proposed amendments were unlikely to cause any adverse impact on the existing landscape character, visual quality, traffic and infrastructural provision of the area.

65. Members had no question on the application.

Deliberation Session

66. Members considered the application which involved amendments to the built form and internal layout with no change in the development parameters acceptable.

67. 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 11.5.2011, 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 implementation of tree felling, tree preservation and tree replanting proposals to the satisfaction of the Director of Planning or of the TPB; and
- (b) the provision of water supply for fire fighting and fire service installations to the satisfaction of the Director of Fire Services or of the TPB.

68. The Committee also agreed to advise the applicant :

- (a) to note the Chief Building Surveyor/New Territories East, Buildings Department's comments that all existing buildings/structures including the swimming pool and shelter should be removed. Otherwise, they should be included in gross floor area calculation;
- (b) to consult the Director of Water Supplies regarding any necessary extension of the applicant's own services to the nearest Government water mains for the provision of water supply to the proposed development; and
- (c) to minimize disturbance to the neighbourhood during the construction period.

[Open Meeting (Presentation and Question Sessions Only)]

- (ii) A/SK-PK/152 Proposed House
(New Territories Exempted House - Small House)
in "Village Type Development",
"Green Belt" and 'Road' zones,
Lot 123A in DD 213, Ngau Liu Village, Sai Kung
(RNTPC Paper No. A/SK-PK/152)
-

Presentation and Question Sessions

69. Ms. Ann O.Y. Wong, STP/SKIs, 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 - Small House);
- (c) departmental comments – no objection or no adverse comment from concerned Government departments was received;
- (d) six public comments were received during the statutory publication period objecting on grounds of incompatibility with the surrounding developments, adversely affecting property value of adjoining development, resulting in inconvenience to neighbours, leading to adverse drainage and traffic impacts, and affecting Government’s road widening proposals; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application for reasons as detailed in paragraph 13.1 of the Paper. Previous approval had been given and there had been no change in planning circumstances since the last approval. Although less than 50% of the footprint of the proposed Small House fell within “V” zone in the current application, sympathetic consideration could be give as the footprint of the house was shifted eastwards due to the Sai Kung District Lands Office Conference’s decision to avoid blocking the stairway which was the access to the two adjoining village houses. Although there were local objections, concerned Government departments had no objection or adverse comments. The Chief Highway Engineer/Works, Highways Department advised that the works limit of the proposed improvement works of Lung Mei Tsuen Road fell outside the application site boundary and would not be affected by the proposed development.

70. Members had no question on the application.

Deliberation Session

71. 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 11.5.2011, 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 drainage proposals to the satisfaction of the Director of Drainage Services or of the TPB; and
- (b) the submission and implementation of landscaping and tree preservation proposals to the satisfaction of the Director of Planning or of the TPB.

[The Chairperson thanked Ms. Ann O.Y. Wong, STP/SKIs, for her attendance to answer Members' enquires. Ms. Wong left the meeting at this point.]

Tuen Mun and Yuen Long District

[Mr. W.M. Lam, Senior Town Planner/Tuen Mun and Yuen Long (STP/TMYL), was invited to the meeting at this point.]

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

Agenda Item 7

Section 16 Applications

[Open Meeting (Presentation and Question Sessions Only)]

- (i) A/TSW/37 Proposed School (Tutorial School)
in "Residential (Group B)" zone,
Shop No. A131, Portion B, G/F, Kingswood Richly Plaza,
1 Tin Wu Road, Tin Shui Wai, Yuen Long
(RNTPC Paper No. A/TSW/37)
-

Presentation and Question Sessions

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 school (tutorial school);
- (c) departmental comments – no objection or no adverse comment from concerned Government departments was received;
- (d) no public comment was received during the statutory publication period and no local objection/view was received by the District Officer; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application for reasons as detailed in paragraph 11.1 of the Paper.

73. Members had no question on the application.

Deliberation Session

74. 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 11.5.2011, 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 that the provision of fire service installations for the proposed tutorial school to the satisfaction of the Director of Fire Services or of the TPB.

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

- (a) resolve any land matters relating to the development with the concerned owner(s) of the premises;
- (b) note the Director of Fire Services' comment that detailed fire services requirements would be formulated upon receipt of formal submission of general building plans/licence application.

[Open Meeting (Presentation and Question Sessions Only)]

- (ii) A/YL-PS/263 Proposed Residential Development (Flats and Houses)
in “Residential (Group E)2” zone,
Lots 621ARP, 621A2, 621B2, 621BRP, 623RP, 624,
626RP and 631 in DD 122, Yung Yuen Road, Ping Shan,
Yuen Long
(RNTPC Paper No. A/YL-PS/263)
-

Presentation and Question Sessions

76. The Committee noted that the applicant had requested for a further deferment of the consideration of the application to allow time for preparation of additional information to resolve technical concerns of Government departments.

Deliberation Session

77. 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.M. Lam, STP/TMYL, for his attendance to answer Members’ enquires. Mr. Lam left the meeting at this point.]

[Mr. Anthony C.Y. Lee, STP/TMYL, was invited to the meeting at this point.]

[Open Meeting (Presentation and Question Sessions Only)]

- (iii) A/YL-HT/484 Renewal of Planning Approval for Temporary Open Storage of Construction Materials under Application No. A/YL-HT/301 for a Period of 3 Years in “Comprehensive Development Area” zone, Lot 194(Part) in DD 128, Ha Tsuen, Yuen Long (RNTPC Paper No. A/YL-HT/484)
-

Presentation and Question Sessions

78. Mr. Anthony C.Y. Lee, STP/TMYL, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed renewal of planning approval for temporary open storage of construction materials under application No. A/YL-HT/301;
- (c) departmental comments – the Assistant Commissioner for Transport/New Territories requested the Committee to consider whether the approval of the application would set an undesirable precedent for other similar applications in the surrounding areas. It was considered that approving such similar applications might induce cumulative adverse traffic impact on the nearby road network. No objection or no adverse comment from concerned Government departments was received;
- (d) no public comment was received during the statutory publication period and no local objection/view was received by the District Officer; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application for reasons as detailed in paragraph 12.1 of the Paper. The application was in line with the Town Planning Board Guidelines No. 13D for Application for Open Storage and Port Back-up Uses in that the site fell entirely within Category 1 areas and there were no major adverse departmental comments or local objections. Although AC for T/NT

considered the application would induce cumulative adverse traffic impacts to the nearby road network, a number of similar applications had been approved within the same “Comprehensive Development Area” zone for temporary open storage uses and the approval of this application would be in line with the Board’s previous decisions.

79. In response to a Member question on whether there was any local objection as the access road leading to the application site affected Lot 23RP in DD128, Mr. Anthony C.Y. Lee advised that no local objection had been received.

Deliberation Session

80. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 11.5.2010, 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 from 11:00 p.m. to 7:00 a.m. was allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays was allowed on the site during the planning approval period;
- (c) no heavy vehicle (i.e. over 24 tonnes), including container trailer and tractor, was allowed for the operation of the site during the planning approval period;
- (d) the drainage facilities implemented on the site under Application No. A/YL-HT/301 should be maintained at all times during the planning approval period;
- (e) no dismantling, repairing, melting, cleansing and workshop activities should be carried out on the site during the planning approval period;
- (f) the materials stored at the site should only be construction materials dealt

with by the applicant's business or the business to which the applicant had a beneficial interest during the planning approval period;

- (g) the stacking height of goods stored at the site should not exceed 5 metres;
- (h) the submission of a condition record of the existing drainage facilities within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 11.8.2007;
- (i) the submission of a run-in proposal within 6 months from the date of planning approval to the satisfaction of the Director of Highways or of the TPB by 11.11.2007;
- (j) in relation to (i) above, the implementation of the accepted run-in proposal within 9 months from the date of planning approval to the satisfaction of the Director of Highways or of the TPB by 11.2.2008;
- (k) 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 11.11.2007;
- (l) the provision of fencing of the site within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 11.11.2007;
- (m) if any of the above planning conditions (a), (b), (c), (d), (e), (f) or (g) 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;
- (n) if any of the above planning conditions (h), (i), (j), (k) or (l) 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

- (o) 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.

81. 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 comments of the District Lands Officer/Yuen Long 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, and apply to his office for Short Term Wavier to regularize the irregularities on site;
- (c) follow the latest “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Environmental Protection Department;
- (d) note the comments of the Assistant Commissioner for Transport/New Territories, Transport Department that the land status of the access road leading to the site from Deep Bay Road should be checked with the lands authority and that the management and maintenance responsibilities of this access road should be clarified, and the relevant lands and maintenance authorities should be consulted accordingly; and
- (e) note the comments of the Chief Highway Engineer/New Territories West, Highways Department to construct a run-in at the access point at Deep Bay Road in accordance with the latest version of HyD Standard Drawing Nos. H1113 and H1114 or H5115 and H5116 whichever set as appropriate to suit the type of pavement of adjacent footpath.

[The Chairperson thanked Mr. Anthony C.Y. Lee, STP/TMYL, for his attendance to answer Members’ enquires. Mr. Lee left the meeting at this point.]

[Mr. Frederick S.T. Ng, STP/TMYL, was invited to the meeting at this point.]

[Open Meeting (Presentation and Question Sessions Only)]

- (iv) A/YL-KTN/273 Temporary Place of Recreation Use (including Barbecue Spot and Picnic Area) for a Period of 3 Years in “Village Type Development” and “Agriculture” zones, Lots 676(Part), 678(Part), 679(Part), 680(Part), 681(Part), 682(Part), 684RP(Part) and 1615(Part) in DD 109 and Adjoining Government Land, Shui Mei Tsuen, Kam Tin North, Yuen Long
(RNTPC Paper No. A/YL-KTN/273)
-

Presentation and Question Sessions

82. The Chairperson said that Dr. James Lau had declared an interest in this item as he had current business dealings with the consultant for this application. The Committee noted that Dr. Lau had tendered apologies for not attending the meeting.

83. The Committee noted that the applicant had requested for a further deferment of the consideration of the application for one month to allow time for preparation of further information to address the parking issue.

Deliberation Session

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

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

[Open Meeting (Presentation and Question Sessions Only)]

- (v) A/YL-KTN/275 Temporary Car Accessories Retail Shop and Ancillary Open Storage of Light Goods Vehicles for Sale for a Period of 3 Years in “Residential (Group D)” zone, Lots 666B(Part) and 667(Part) in DD 110, Kam Tin Road, Yuen Long
(RNTPC Paper No. A/YL-KTN/275)
-

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed temporary car accessories retail shop and ancillary open storage of light goods vehicles for sale;
- (c) departmental comments – the District Lands Officer/Yuen Long (DLO/YL) did not support the application as the applicant failed to apply for the cancellation and reissue of the Short Term Waiver (STW) regarding the change of user and the regularisation of the unauthorised structure on Lot No. 667 in DD 110 subsequent to the previous planning permission. The Chief Highway Engineer/Works, Highways Department (CHE/Works, HyD) advised that land within the site might need to be resumed for the Category B project “Upgrading of Remaining Sections of Kam Tin Road and Lam Kam Road”. no objection or no adverse comment from concerned Government departments was received;
- (d) no public comment was received during the statutory publication period and no local objection/view was received by the District Officer; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the

application for reasons as detailed in paragraph 11.1 of the Paper. Previous planning approvals had been given, but the latest approval under Application No. A/YL-KTN/250 was revoked due to non-compliance with the condition relating to the provision of fire service installations (FSIs). The applicant had, however, demonstrated effort in complying with this condition in the current application as he was consulting the Director of Fire Services on the provision of FSIs. The proposed development was small in scale and not incompatible with the surrounding land uses which were mixed with open storage yards and retail shops abutting on Kam Tin Road. No environmental complaint had been received. Therefore, sympathetic consideration could be given but with a shorter compliance period. Although part of the site might need to be resumed for a road project as advised by CHE/Works, HyD, the temporary approval of this application for 3 years up to May 2010 would not affect the road project. However, an approval condition requiring the setting back of the site as non-building area was suggested to address CHE/Works, HyD's concern. DLO/YL's concern was a land administration matter and the applicant could be advised to apply for a STW.

86. Members had no question on the application.

Deliberation Session

87. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 11.5.2010, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no medium or heavy goods vehicles (i.e. exceeding 5.5 tonnes) as defined in the Road Traffic Ordinance or container trailers/tractors were allowed to be parked/stored on the site during the planning approval period;
- (b) no vehicle dismantling, maintenance, repairing, cleansing, paint spraying and other workshop activities should be carried out on the site at any time during the planning approval period;

- (c) the drainage facilities implemented on the application site should be maintained (under Application No.A/YL-KTN/175) at all times during the planning approval period;
- (d) setting back of the site as non-building area from the proposed alignment of the “Upgrading of Remaining Sections of Kam Tin Road and Lam Kam Road” project as when required by the Government;
- (e) the provision of fire service installations within 3 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 11.8.2007;
- (f) if any of the above planning conditions (a), (b), (c) or (d) was not complied with during planning approval, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (g) if the above planning condition (e) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and
- (h) upon expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the TPB.

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

- (a) note the District Lands Officer/Yuen Long, Lands Department’s comments that his office reserved the right to take lease enforcement action against the irregularities and the applicant should apply for the cancellation and reissue of Short Term Waiver regarding the change of user and the regularisation of unauthorised structures on Lot No. 667 in D.D. 110;
- (b) adopt environmental mitigation measures as set out in the “Code of

Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Environmental Protection Department to minimise any possible environmental nuisances;

- (c) note the Director of Fire Services’ comment that detailed fire safety requirement would be formulated upon receipt of formal submission of general building plans. In consideration of the design/nature of the proposed structures, fire service installations (FSIs) were anticipated to be required. Therefore, the applicant was advised to submit relevant building plans incorporated with the proposed FSIs to his department for approval even though the submission of general building plans was not required under the Buildings Ordinance (BO). In formulating the FSIs proposal, the applicant was advised to make reference to the requirements as stipulated in paragraph 4.14 “Commercial – Low Rise” and paragraph 4.29 “Industrial/godown buildings – Low Rise” of the current version of the Codes of Practice for Minimum Fire Service Installations and Equipment. Moreover, it was noted that the site was proposed to be used for vehicle accessories retail shop in which there might be activities involving storage/use of Dangerous Goods. As such, the applicant/operator of the site was advised to approach the Dangerous Goods Division for advice on licensing of the premises for the above purpose where necessary;
- (d) note the Chief Building Surveyor/New Territories West, Buildings Department’s comments that the granting of planning approval should not be constructed as condoning any structures existing on the site under the BO and the allied regulations. Actions appropriate under the said Ordinance or other enactment might be taken if contravention was found. Formal submission of any proposed new 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) Regulations 19(3) at building plan submission stage; and
- (e) note the Director of Electrical and Mechanical Services’ comments that the

‘Code of Practice on Working near Electricity Supply Lines’ established under the Electricity Supply Lines (Protection) Regulation should be observed by the applicant and his contractors when carrying out works in the vicinity of electricity supply lines. Prior to establishing any structure within the site, the applicant and his contractors should liaise with CLPP to divert the existing low voltage overhead lines away from the vicinity of the proposed development.

[Open Meeting (Presentation and Question Sessions Only)]

- (vi) A/YL-PH/539 Proposed Temporary Open Storage of Construction Materials and Machinery for a Period of 3 Years in “Agriculture” and “Residential (Group D)” zones, Lot 2898 in DD 111, Pat Heung, Yuen Long
(RNTPC Paper No. A/YL-PH/539)
-

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed temporary open storage of construction materials and machinery;
- (c) departmental comments – the Director of Environmental Protection did not support the application as there were scattered houses along the access road, and environmental nuisance caused by traffic of heavy vehicles on the sensitive receivers along the access road to the site was expected. The Director of Agriculture, Fisheries and Conservation did not favour the application as the site was part of a plant nursery garden and there were active agricultural activities at the site and in its vicinity. The Chief Town Planner/Urban Design and Landscape objected to the application as the proposed temporary open storage use would disturb the high landscape

quality of the undeveloped areas to the north and east of the site which were predominately rural in character;

- (d) no public comment was received during the statutory publication period and no local objection/view was received by the District Officer; and
- (e) the Planning Department (PlanD)'s views – PlanD did not support the application for reasons as detailed in paragraph 12.2 of the Paper. The proposed development was not in line with the planning intention of “Agriculture” (“AGR”) zone and there was no strong justification in the submission for a departure from the planning intention, even on a temporary basis. The development did not comply with the Town Planning Board Guidelines No. 13D for Application for Open Storage and Port Back-up Uses in that no previous planning approval was granted for the site and there were adverse departmental comments on environmental, agricultural development and landscape grounds. No information had been submitted to demonstrate no adverse impacts on the surrounding area. Approval of the application would set an undesirable precedent for similar applications which might proliferate further into the “AGR” and “Residential (Group D)” zones. The cumulative impact of approving such applications would result in a general degradation of the environment in the surrounding areas.

90. Members had no question on the application.

Deliberation Session

91. Members considered the proliferation of the proposed open storage use into the foothills of the vegetated slopes undesirable.

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

- (a) the proposed development was not in line with the planning intention of the “Agriculture” (“AGR”) zone, which was to retain and safeguard good

quality agricultural land/farm/fish ponds for agricultural purposes, and the “Residential (Group D)” (“R(D)”) zone which was primarily for improvement and upgrading of existing temporary structures within the rural areas through redevelopment of existing temporary structures into permanent buildings. There was no strong justification in the submission for a departure from the planning intention, even on a temporary basis;

- (b) the development did not comply with the Town Planning Board Guidelines for ‘Application for Open Storage and Port Back-up Uses’ (TPB PG-No. 13D) in that there was no previous planning approval granted on site and there were adverse departmental comments on environmental, drainage, landscape and agricultural aspects;
- (c) there was no information in the submission to demonstrate that the development would not have adverse environmental, drainage and landscape impacts on the surrounding areas; and
- (d) approval of the application would set an undesirable precedent for similar uses to proliferate further into the “AGR” and “R(D)” zones. The cumulative effect of approving such applications would result in a general degradation of the environment of the area.

[Open Meeting (Presentation and Question Sessions Only)]

- (vii) A/YL-PH/540 Proposed House
(New Territories Exempted House — Small House)
in “Village Type Development”
and “Residential (Group D)” zones,
Lot 2997B in DD 111, Pat Heung, Yuen Long
(RNTPC Paper No. A/YL-PH/540)
-

Presentation and Question Sessions

93. 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 house (New Territories Exempted House — Small House);
- (c) departmental comments – no objection or no adverse comment from concerned Government departments was received;
- (d) no public comment was received during the statutory publication period and no local objection/view was received by the District Officer; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application for reasons as detailed in paragraph 12.1 of the Paper.

94. Members had no question on the application.

Deliberation Session

95. Members considered that the application complied with the Interim Criteria for Assessing Planning Applications for NTEH/Small House Development.

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 11.5.2011, 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 that the submission and implementation of landscaping proposals 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 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/her inside services to the nearest suitable

[Open Meeting (Presentation and Question Sessions Only)]

- (ix) A/YL-SK/140 Proposed House
(New Territories Exempted House — Small House)
in “Residential (Group D)” zone,
Lot 848B in DD 112, Lin Fa Tei, Shek Kong, Yuen Long
(RNTPC Paper No. A/YL-SK/140)
-

[Open Meeting (Presentation and Question Sessions Only)]

- (x) A/YL-SK/141 Proposed House
(New Territories Exempted House — Small House)
in “Residential (Group D)” zone,
Lot 848C in DD 112, Lin Fa Tei, Shek Kong, Yuen Long
(RNTPC Paper No. A/YL-SK/141)
-

Presentation and Question Sessions

98. Noting that the three applications were similar in nature and the application sites were adjoining to each other, Members agreed to consider the three applications together.

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

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

100. Members had no question on the applications.

Deliberation Session

101. Members noted that the applications complied with the Interim Criteria for Assessing Planning Applications for NTEH/Small House Development.

102. After deliberation, the Committee decided to approve the applications, each on the terms of the application as submitted to the Town Planning Board (TPB). Each permission should be valid until 11.5.2011, 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. Each permission was subject to the condition that the submission and implementation of landscape proposals to the satisfaction of the Director of Planning or of the TPB.

103. The Committee also agreed to advise the applicants to :

- (a) note the Chief Engineer/Development (2), Water Supplies Department (WSD)'s comments that for provision of water supply to the development, the applicant might need to extend his/her inside services to the nearest suitable Government water mains for connection. The applicant should resolve any land matter (such as private lots) associated with the provision of water supply and should be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD's standard. Water mains in the vicinity of the site could not provide the standard fire-fighting flow;
- (b) note the Director of Fire Services' comments that emergency vehicular access (EVA), fire hydrant and fire service installations would be required in accordance with the 'New Territories Exempted Houses – A Guide to Fire Safety Requirements' issued by Lands Department. Detailed fire safety requirements on EVA, fire hydrant and fire service installations would be formulated upon the receipt of formal application referred by the District

Lands Officer/Yuen Long, Lands Department;

- (c) note the Chief Building Surveyor/New Territories West, Buildings Department's comments that all non-exempted ancillary site formation and/or communal drainage works were subject to compliance with the Buildings Ordinance, and Authorised Person should be appointed for the site formation and communal drainage works above;
- (d) note the Chief Highway Engineer/New Territories West, Highways Department's comments that his Department was not/should not be responsible for the maintenance of any existing vehicular access connecting the site and Kam Sheung Road; and
- (e) note the Chief Engineer/Mainland North, Drainage Services Department's comments that some of the proposed drainage works might fall on the adjacent private lands. The applicant should be responsible for seeking consent from the relevant private landowners and resolving any land matters for the proposed drainage works falling onto private lands. The applicant should also ensure that the proposed development would neither obstruct overland flow nor adversely affect existing watercourses, village drains or ditches as required in the Certificate of Exemption (for Applications No. A/YL-SK/139 & 140).
- (f) note the Chief Engineer/Mainland North, Drainage Services Department's comments that the applicant should ensure that the proposed development would neither obstruct overland flow nor adversely affect existing watercourses, village drains or ditches as required in the Certificate of Exemption (for Application No. A/YL-SK/141).

[Professor David Dudgeon left the meeting temporarily at this point.]

[Open Meeting (Presentation and Question Sessions Only)]

- (xi) A/YL-TT/209 Temporary Warehouse for Storage of Recyclable Materials for a Period of 3 Years in “Residential (Group D)” zone, Lots 4070RP(Part), 4071-4075, 4076RP(Part) and 4087 in DD 116 and Adjoining Government Land, Tai Shu Ha Road East, Tai Tong, Yuen Long (RNTPC Paper No. A/YL-TT/209)
-

Presentation and Question Sessions

104. The Chairperson said that Dr. James Lau had declared an interest in this item as he had current business dealings with the consultant for this application. The Committee noted that Dr. Lau had tendered apologies for not attending the meeting.

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

- (a) background to the application;
- (b) the proposed temporary warehouse for storage of recyclable materials;
- (c) departmental comments – the Director of Environmental Protection did not support the application as there were sensitive receivers including residential dwellings immediately next to the site to the east, north-east and south-east, and environmental nuisances were expected. The Chief Town Planner/Urban Design and Landscape objected to the application as the proposed temporary storage use was not compatible with the landscape context of the surrounding residential and agricultural uses, and the landscape proposal was unacceptable as the extent of proposed peripheral tree planting was inadequate to mitigate the adverse impact caused by the proposed development. The Assistant Commissioner for Transport/New Territories requested the Committee to consider whether the approval of the application would set an undesirable precedent for other similar applications in the surrounding areas. It was considered that approving

such similar applications might induce cumulative adverse traffic impact on the nearby road network;

- (d) a public comment from a member of the Yuen Long District Council was received during the statutory publication period objecting on grounds of incompatibility with the planned residential uses and having adverse impacts on the environment, traffic and neighbourhood; and
- (e) the Planning Department (PlanD)'s views – PlanD did not support the application for reasons as detailed in paragraph 11.1 of the Paper. The proposed development was not in line with the planning intention of “Residential (Group D)” (“R(D)”) zone and no strong justification had been given for a departure from the planning intention, even on a temporary basis. It was doubtful whether the use under application was a genuine temporary use as the warehouse structures on site were substantial in scale and constructed to be semi-permanent in nature. The proposed development was not compatible with the residential dwellings to the immediate east, north-east and south-east of the site and agricultural land in the vicinity of the site. Except three open storage yards which were ‘existing uses’, most of the open storage uses, warehouses and workshops in the vicinity of the site were suspected unauthorized developments subject to enforcement action by the Planning Authority. There was insufficient information to demonstrate that the proposed development would not cause adverse environmental, traffic and landscape impacts on the surrounding areas and there were adverse departmental comments and public objection in this regard. Approval of the application would set an undesirable precedent for similar uses to proliferate further into the “R(D)” zone. The cumulative effect of approving such applications would result in a general degradation of the environment of the area.

[Professor David Dudgeon returned to join the meeting at this point.]

106. Members had no question on the application.

Deliberation Session

107. Members considered the warehouse structures on site massive and not compatible with the surrounding residential area. Such storage use should not be encouraged in the “R(D)” zone.

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

- (a) the proposed development was not in line with the planning intention of the “Residential (Group D)” (“R(D)”) zone which was primarily for improvement and upgrading of existing temporary structures within the rural areas through redevelopment of existing temporary structures into permanent buildings. There was no strong justification for a departure from the planning intention, even on a temporary basis;
- (b) the proposed development was not compatible with the residential dwellings and agricultural land in the vicinity of the site. No previous planning approval had been granted at the site and there were adverse departmental comments against the applied use;
- (c) there was insufficient information in the submission to demonstrate that the proposed development would not cause adverse environmental, traffic and landscape impacts on the surrounding areas; and
- (d) the approval of the application would set an undesirable precedent for similar uses to proliferate further into the “R(D)” zone. The cumulative effect of approving such applications would result in a general degradation of the environment of the area.

[Open Meeting (Presentation and Question Sessions Only)]

- (xii) A/YL-TYST/352 Renewal of Planning Permission for Temporary Open Storage of Scrap Metal and Construction Materials with Ancillary Office for a Period of 3 Years in “Undetermined” and “Village Type Development” zones, Lots 322A, 323 and 324(Part) in DD 119, Shan Ha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-TYST/352)
-

Presentation and Question Sessions

109. 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 permission for temporary open storage of scrap metal and construction materials with ancillary office;
- (c) departmental comments – the Director of Environmental Protection did not support the application as there were sensitive receivers to the north-east of the site and along the access track leading to the site. Environmental nuisance was expected. No objection or no adverse comment from concerned Government departments was received;
- (d) no public comment was received during the statutory publication period and no local objection/view was received by the District Officer; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application for reasons as detailed in paragraph 12.2 of the Paper. The application was generally in line with the Town Planning Board Guidelines No. 13D for Application for Open Storage and Port Back-up Uses in that about 89% of the site fell within “Undetermined” (“U”) zone and Category 1 areas. Previous approvals had been given and all approval conditions under Application No. A/YL-TYST/250 had been complied with. The

development was not incompatible with the surrounding areas, which were mainly occupied by open storage yards. Concerned Government departments, except the Environmental Protection Department, had no objection to the renewal application, and approval of the application on a temporary basis of 3 years would not frustrate the planning intention of the “U” zone. There was only a residential structure located about 30m to the north-east of the site, and no environmental complaint was received in the past 3 years. DEP’s concern could be addressed through the inclusion of approval conditions on operation hours, workshop activities and type of vehicles. The applicant would also be advised to follow the latest ‘Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage’ to alleviate any potential environmental impact. Although about 11% of the site fell within “Village Type Development” zone, there was no imminent need for Small House development in this part of the “V” zone.

110. Members had no question on the applications.

Deliberation Session

111. Members noted that the temporary approval of 3 years would not have adverse impacts on the surrounding area and could be addressed by imposing approval conditions on operation hours, workshop activities and type of vehicles.

112. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 11.5.2010, 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. to 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 should be maintained at all times during the planning approval period;
- (f) the existing drainage facilities on the application site should be maintained at all times during the planning approval period;
- (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 11.11.2007;
- (h) 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;
- (i) if the above planning condition (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.

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

not covered by the permission.

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

- (a) resolve any land issues relating to the development with other concerned owner(s) of the application site;
- (b) note the District Lands Officer/Yuen Long, Lands Department's comments that no structure should be erected without prior approval from his office;
- (c) 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. The management and maintenance responsibilities of the same road/path/track should be clarified and the relevant lands and maintenance authorities should be consulted accordingly;
- (d) note the Chief Highway Engineer/New Territories West, Highways Department's comments that his office did not maintain the access track between the site and Shan Ha Road;
- (e) follow the latest 'Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage' issued by the Environmental Protection Department;
- (f) note the Chief Engineer/Development (2), Water Supplies Department (WSD)'s comments that for provision of water supply to the development, the applicant might need to extend his/her inside services to the nearest suitable Government water mains for connection. The applicant should resolve any land matter (such as private lots) associated with the provision of water supply and should be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD's standards; and

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

[Open Meeting (Presentation and Question Sessions Only)]

- (xiii) A/YL-TYST/353 Renewal of Planning Permission for Temporary Open Storage of Construction Materials for a Period of 3 Years in "Undetermined" zone,
Lots 354RP and 355-359 in DD 119, Shan Ha Tsuen,
Yuen Long
(RNTPC Paper No. A/YL-TYST/353)
-

Presentation and Question Sessions

115. 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 permission for temporary open storage of construction materials;
- (c) departmental comments – the Director of Environmental Protection did not support the application as there were sensitive receivers along the access track leading to the site, and environmental nuisance was expected. No objection or no adverse comment from concerned Government departments was received;
- (d) no public comment was received during the statutory publication period and no local objection/view was received by the District Officer; and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application for reasons as detailed in paragraph 12.2 of the Paper. The application was generally in line with the Town Planning Board Guidelines No. 13D for Application for Open Storage and Port Back-up Uses in that the site fell within the “Undetermined” (“U”) zone and Category 1 areas. Previous approvals had been given and all approval conditions under the last application (No. A/YL-TYST/254) had been complied with. The development was not incompatible with the surrounding areas, which were mainly occupied by open storage yards. Government departments, except the Environmental Protection Department, had no objection to the renewal application, and approval of the application on a temporary basis of 3 years would not frustrate the planning intention of the “U” zone. The nearest group of village houses of Shan Ha Tsuen was located about 200m away to the north of the site, and no environmental complaint was received in the past 3 years. DEP's concern could be addressed through the imposition of approval conditions on operation hours, workshop activities and type of vehicles. The applicant could also be advised to follow the latest ‘Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage’ to alleviate any potential environmental impact.

116. Members had no question on the applications.

Deliberation Session

117. Members noted that previous approval had been given for the same use at the application site and all the planning conditions had been fulfilled.

118. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 11.5.2010, 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. to 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;
- (g) the provision of a 9-litre water type/3kg 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 11.11.2007;
- (h) 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;
- (i) if the above planning condition (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.

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

- (a) resolve any land issues relating to the development with other concerned owner(s) of the application site;
- (b) note the District Lands Officer/Yuen Long, Lands Department's comments that no structure should be erected without prior approval from his office. The existing occupation area was found larger than the application site area. A small portion of Government land not covered by the application site boundary had been occupied. His office reserved the right to take lease enforcement and land control actions against any irregularities. The lot owner should apply to his office for regularization of the unauthorized structures on private land and the occupier should apply for regularization on illegal occupation of Government land. However, his office did not guarantee the approval upon receipt of applications;
- (c) 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. The management and maintenance responsibilities of the same road/path/track should be clarified and the relevant lands and maintenance authorities should be consulted accordingly;
- (d) note the Chief Highway Engineer/New Territories West, Highways Department's comments that his office did not maintain the vehicular access track from the site to Shan Ha Road;
- (e) follow the latest 'Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage' issued by the Environmental Protection Department;
- (f) note the Chief Engineer/Development (2), Water Supplies Department (WSD)'s comments that for provision of water supply to the development, the applicant might need to extend his/her inside services to the nearest

suitable Government water mains for connection. The applicant should resolve any land matter (such as private lots) associated with the provision of water supply and should be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD's standards; and

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

[The Chairperson thanked Mr. Frederick S.T. Ng, STP/TMYL, for his attendance to answer Members' enquires. Mr. Ng left the meeting at this point.]

Agenda Item 8

Any Other Business

120. There being no other business, the meeting was closed at 4:25 p.m..