

TOWN PLANNING BOARD

**Minutes of 355th Meeting of the
Rural and New Town Planning Committee held at 2:30 p.m. on 10.8.2007**

Present

Director of Planning
Miss Ophelia Y.S. Wong

Chairperson

Mr. Michael K.C. Lai

Vice-chairman

Dr. C.N. Ng

Mr. Y.K. Cheng

Ms. Anna S.Y. Kwong

Dr. James C.W. Lau

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

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

Deputy Director of Planning/District
Mr. Raymond T.L. Chiu

Secretary

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Absent with Apologies

Ms. Carmen K.M. Chan

Professor Nora F.Y. Tam

Mr. David W.M. Chan

Dr. Lily Chiang

Professor David Dudgeon

Professor Peter R. Hills

Mr. Tony C.N. Kan

Mr. Edmund K.H. Leung

Mr. Alfred Donald Yap

Mr. B.W. Chan

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

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

In Attendance

Assistant Director of Planning/Board
Mr. Lau Sing

Chief Town Planner/Town Planning Board
Ms. Brenda K.Y. Au

Town Planner/Town Planning Board
Ms. Doris S.Y. Ting

Opening Remarks

1. The Chairperson informed Members that Typhoon Signal No. 8 had just been hoisted. Since most of the agenda items were subject to statutory deadlines and the relevant parties, i.e. applicant and District Planning Officers, had arrived, Members agreed that the meeting should proceed as scheduled. As no simultaneous interpretation service could be provided for the meeting, Members agreed to conduct the meeting in English.

Agenda Item 1

Confirmation of the Draft Minutes of the 354th RNTPC Meeting held on 27.7.2007

[Open Meeting]

2. The draft minutes of the 354th RNTPC meeting held on 27.7.2007 were confirmed without amendments.

Agenda Item 2

Matters Arising

[Open Meeting]

(a) Town Planning Appeal Decision Received

Town Planning Appeal No. 20 of 2006 (20/06)

Proposed Conversion of an Existing Commercial/Office Building

for Hotel Use in “Residential (Group A)” zone,

83 Wuhu Street, Hung Hom, Kowloon

(Application No. A/K9/206)

3. The Secretary reported that the decision of the Town Planning Appeal Board (TPAB) on the subject appeal had been received. The appeal was against the decision of the Town Planning Board (TPB) to reject on review an application (No. A/K9/206) for proposed conversion of an existing commercial/office building with a plot ratio of 12.033 for hotel use at the subject site which was zoned “Residential (Group A)” (“R(A)”) on the Hung Hom

Outline Zoning Plan (OZP) No. S/K9/18.

4. The Secretary said that the appeal was heard by the TPAB on 4.7.2007 and dismissed on 31.7.2007 mainly on the following grounds :

- (i) the evidence clearly showed that part of the planning intention behind the succession of OZPs for Hung Hom since the latter part of 1993 had been to restrict the development of non-domestic buildings in areas in Kowloon, including Hung Hom, designated as “R(A)” to a plot ratio of 9, irrespective of whether the proposed development was by way of the erection of a completely new building or the conversion of an existing building;
- (ii) the Chinese version of paragraph (2) of the Remarks of Notes of the “R(A)” zone clearly covered the cases of both the erection of a new building and the conversion of an existing building;
- (iii) a development by way of a conversion of an existing office building into a hotel was covered by paragraph (2) of the Remarks and was subject to a plot ratio restriction of 9 notwithstanding the fact that the existing building was built with a plot ratio of more than 9; and
- (iv) as such, according to section 16(4) of the Town Planning Ordinance, the TPB had no power to grant permission to the Appellant to carry out a development by way of conversion of the existing building into a hotel which would result in the finished building having a plot ratio of more than 9. Both the Committee and TPB were, therefore, correct in rejecting the application.

(b) Appeal Statistics

5. The Secretary also reported that as at 10.8.2007, 20 cases were yet to be heard by the TPAB. Details of the appeal statistics were as follows:

Allowed	:	17
Dismissed	:	99
Abandoned/Withdrawn/Invalid	:	123
Yet to be Heard	:	20
Decision Outstanding	:	8
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Total	:	267

[Mr. Y.K. Cheng and Dr. C.N. Ng arrived to the meeting at this point.]

Sai Kung and Islands District

Agenda Item 3

Section 12A Application

[Open Meeting (Presentation and Question Sessions only)]

Y/SK-CWBN/2 Application for Amendment to the Approved Clear Water Bay Peninsula North Outline Zoning Plan No. S/SK-CWBN/3 from “Green Belt” and “Road” to “Residential (Group C)6” and “Residential (Group C)6” to “Road”, Lots 378 and 379 in DD 224 and Adjoining Government Land, Silverstrand, Sai Kung (RNTPC Paper No. Y/SK-CWBN/2)

6. The Secretary reported that Mr. Edmund K.H. Leung, who lived near the application site, had declared an interest in this item. Members noted that Mr. Leung had tendered his apologies for not attending the meeting.

Presentation and Question Sessions

7. Mr. Michael C.F. Chan, District Planning Officer/Sai Kung and Islands (DPO/SKIs) of the Planning Department (PlanD), and Mr. Gavin Chan, the applicant’s representative, were invited to the meeting at this point.

8. The Chairperson extended a welcome and explained the procedures of the hearing. In response to the Chairperson's enquiry, Mr. Gavin Chan had no objection to conduct the hearing the English. The Chairperson then invited Mr. Michael C.F. Chan to brief members on the background to the application.

9. With the aid of a Powerpoint presentation, Mr. Michael C.F. Chan presented the application as detailed in the Paper and made the following main points:

- (a) the application was for amendment of the application site on the approved Clear Water Bay North Outline Zoning Plan (OZP) from "Green Belt" ("GB") and an area shown as 'Road' to "Residential (Group C)6" ("R(C)6") and from "R(C)6" to 'Road' to facilitate the amalgamation of two residential development sites, i.e. Lots 378 and 379 in D.D. 124, into a single site for low-rise residential development;
- (b) Serenity Path, a short cul-de-sac located in the middle of these two existing developments, namely Gold Chalet and Silver Chalet, and the public stairway at the end of Serenity Path leading to the lower part of Silver Crest Road were proposed to be closed. Serenity Path and an existing stairway were proposed to be rezoned from 'Road' to "R(C)6" and be incorporated as part of the future residential development. A piece of land within the southern boundary of Silver Chalet was proposed to be rezoned from "R(C)6" to 'Road' for reprovisioning of the existing public stairway. Another small piece of Government land adjoining to the north-western corner of Gold Chalet, was proposed to be rezoned from "GB" to "R(C)6" and designated as a non-building area for landscaping purpose to be maintained by the applicant. This piece of land would not be included for plot ratio calculation;
- (c) the two existing residential developments with nine 3-storey houses (9m) had a total gross floor area (GFA) of 1,645m². Upon amalgamation of the two sites, the land area accountable for plot ratio calculation would increase from 5,481m² to 6,100m² and the total GFA would correspondingly

increase from 1,645m² to 1,830m². Ten houses were proposed, while the building height and site coverage would remain the same;

- (d) concerned Government departments had been consulted. The Chief Town Planner/Urban Design and Landscape, Planning Department had reservation on the application as there was insufficient information to illustrate the visual impact of the platform for the proposed redevelopment. The applicant did not acknowledge the existing trees nor consider the trees in the proposed layout. Besides, the “GB” area made a significant contribution to the landscape of that section of Silver Crest Road and created an open character. The Director of Agriculture, Fisheries and Conservation considered there was no strong reason to include the “GB” into the application. Other departments in general had no objection to the application;
- (e) a total of 7 public comments were received and 6 were from the Incorporated Owners, owners and management companies of the adjacent residential developments. They objected to the application on the grounds of adverse impact on the existing environment and potential blocking of sightline at the sharp bend of Silver Crest Road would cause hazards to other road users. Besides, one expressed concerns about the negative impact upon the existing trees around the area zoned “GB”. The District Officer also relayed a local objection, which was also received by the TPB, to the Committee; and
- (f) PlanD did not support the application in that the planning intention of “GB” zone was primarily for defining the limits of urban and sub-urban development areas with some serving as amenity buffers. The “GB” portion created an open character and made a significant contribution to the local landscape of this section of Silver Crest Road. If the “GB” zone became part of the “R(C)6” development, that area might be enclosed by boundary wall and the local landscape would be spoiled. No justifications regarding public benefits or planning merits had been provided in the submission to merit a departure from the planning intention. The

application, if agreed, would set an undesirable precedent for other similar applications which would undermine the local landscape. Moreover, the proposed rezoning of the road portion for residential use was not supported as no justifications regarding public benefits or planning merits had been provided in the submission. Besides, there was insufficient information to demonstrate that no adverse visual impacts would be generated.

10. Referring to the submission providing responses to PlanD's comments which was tabled at the meeting, Mr. Gavin Chan made the following main points:

- (a) the objective of the application was to combine Lots 378 and 379, currently separated by Serenity Path and a public stairway, to allow more flexibility for architectural design and to achieve a better site layout. Upon rezoning, the site area and GFA would slightly increase, which would allow the development of one additional house, making a total of 10 houses. PlanD had consulted relevant Government departments and no adverse comments on the application were received. This implied that the proposed minor increase in development intensity would have no adverse environmental and infrastructural impacts on the surrounding area. Also, no public objection on this aspect was received;
- (b) the applicant had no plan to fell those trees that worth preserving. The trees mentioned by PlanD would not be affected by the proposed development. Other affected trees would be transplanted or compensated and the Banyan tree would be retained at the same location. Relevant planning condition and/or landscape/tree preservation clause in the future land grant could be imposed to safeguard against undesirable tree felling;

[Mr. Y.M. Lee arrived to join the meeting at this point.]

- (c) referring to Annex I-C of the submission, the existing "GB" area was overgrown with wild shrubs under poor maintenance. Together with the sharp bend of Silver Crest Road, the sightline of the drivers was affected. The inclusion of the "GB" area into the residential development would

enable that area to be properly landscaped and maintained by the applicant, without being included for plot ratio or site coverage calculation. The applicant was willing to accept relevant planning conditions relating to designating the “GB” portion as non-building area, the design of fence or boundary wall, and landscaping. Public benefits resulting from such rezoning included saving public money in maintaining the vegetation in “GB” zone, improving sightline and local landscape, and maintaining the open character without intensification of developments;

- (d) Serenity Path was not a public road but a private right of way being constructed and maintained by the applicant and providing vehicular access to Gold Chalet and Silver Chalet only. Hence, the vehicular traffic would not be affected by the closure of Serenity Path. Yet, it could avoid the undesirable problems of illegal parking, security and management;
- (e) the existing public stairway would be reprovisioned to a more convenient location providing direct pedestrian access and shortcut between the upper and lower portions of Silver Crest Road;
- (f) the existing developments and boundary walls of the two lots were dilapidated and visually unattractive. Approval of the application could facilitate the redevelopment of the two lots to a more attractive development. The proposed redevelopment would have no adverse visual impact as the building height of the development remained unchanged; and
- (g) the interpretation of the two site areas as detailed in page 1 of the Paper was not clear. However, the land area accountable for plot ratio calculation for the redevelopment scheme as shown on the table in paragraph 1.3 of the Paper was correct.

11. In response to a Member’s question on the definition of the application site and redevelopment scheme as set out in page 1 of the Paper, Mr. Michael C.F. Chan explained that the application site referred to the concerned areas proposed to be rezoned under the

application, while the redevelopment scheme was the total site area for the proposed residential development after amalgamation.

12. The Chairperson enquired whether the applicant was willing to accept rezoning with the maximum GFA of the proposed development capped at the total GFA of the existing developments. Mr. Gavin Chan responded that such scenario had not been considered. However, since there were no adverse departmental comments on the application which implied that the proposed development, with only a slight increase in GFA for the development of one additional house, would not be subject to any environmental and infrastructural constraints. Moreover, the public had no concern on this aspect. He further said that reasons should be provided if the Committee imposed such GFA limit.

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

Deliberation Session

14. A Member commented that the indicative layout submitted by the applicant did not contain sufficient details, and no strong justification had been provided for including the piece of "GB" site in the residential development. In response, the Chairperson said that the applicant was not obliged to submit very detailed layout since the current application was a rezoning application. The Committee should consider whether the rezoning application was supported by strong justifications and whether there were sufficient planning merits to allow the proposed increase in GFA and the development of an additional house. Besides, the possibility of setting an undesirable precedent for other similar applications in the area should also be taken into account in view of the presence of other small pieces of land zoned "GB" as shown on Plan Z-3 of the Paper.

15. Some Members had reservation in granting approval as the proposed rezoning was mainly to enable the applicant to develop more GFA and an additional house.

Insufficient planning merits and public benefits would be resulted to justify the proposal. The objective of achieving a more cohesive layout could also be achieved by a similar rezoning proposal without any increase in GFA.

16. A Member considered that the proposed rezoning might bring some revenue to the Government.

17. In this regard, Mr. C.S. Mills commented that the proposed closure of Serenity Path to facilitate the amalgamation of two separate sites into one would result in a more efficient use of the land concerned.

18. Members generally considered that land revenue should not be a planning consideration and the proposed rezoning should be supported by planning merits. Members agreed that the applicant had not provided sufficient justifications in the submission, particularly with respect to planning merits and public benefits, to justify the proposed zoning amendments.

19. After further deliberation, the Committee decided not to agree to the application for the following reasons :

- (a) the proposed rezoning from “Green Belt” (“GB”) portion to “Residential (Group C) 6” was not in line with the planning intention of the “GB” zone which was to preserve the natural and rural setting of the area. There was a general presumption against development in the “GB” zone. No justifications regarding public benefits or planning merits had been provided in the submission to merit a departure from the planning intention. The approval of this application would set an undesirable precedent for other similar rezoning applications within Silverstrand. The cumulative effect of approving such applications would result in a loss of buffer areas and lead to adverse impacts on the local landscape; and
- (b) the proposed rezoning of the ‘Road’ portion for residential use was not supported as no justifications regarding public benefits or planning merits had been provided in the submission. There was insufficient information

in the submission to demonstrate that no adverse visual impacts would be generated by the proposed amendments on the neighbourhood.

Agenda Item 4

Request for Rezoning of a Site at Tseung Kwan O Town Lots 86 and 87 in Area 74, Tseung Kwan O from “Commercial/Residential” Uses to “Open Space” and “Government, Institution and Community” Uses on the Approved Tseung Kwan O Outline Zoning Plan No. S/TKO/15 (RNTPC Paper No. 12/07)

Agenda Item 5

Proposed Amendments to the Approved Tseung Kwan O Outline Zoning Plan No. S/TKO/15 (RNTPC Paper No. 13/07)
[Open Meeting]

20. As Typhoon Signal No. 8 had been hoisted, the Chairperson suggested to reschedule Agenda Items 4 and 5 since both items were not subject to statutory time limit. Members agreed.

Sha Tin, Tai Po and North District

[Mr. W.W. Chan, Dr. Kenneth S.S. Tang and Ms. Stephanie P.H. Lai, Senior Town Planners/Sha Tin, Tai Po and North (STPs/STN), were invited to the meeting at this point.]

Agenda Item 6

Section 16A Application

[Open Meeting (Presentation and Question Sessions Only)]

Further Consideration of Application No. A/NE-SSH/26-1

Proposed Class B Amendments to Approved Development - Comprehensive Residential and Recreational Development including Government, Institution and Community Facilities in “Comprehensive Development Area”, “Village Type Development”, “Government, Institution or Community”, “Open Space”, “Green Belt”, “Country Park” and ‘Road’ zones, Various Lots in DD 165, 207 and 218 and Adjoining Government Land, Sai Sha, Shap Sz Heung

(RNTPC Paper No. A/NE-SSH/26-1)

21. The Secretary reported that the application was submitted by a subsidiary company of Sun Hung Kai Properties Ltd. (SHKP). Messrs. Alfred Donald Yap and Y.K. Cheng, having current business dealings with SHKP, had declared interests in this item. Mr. Yap had tendered his apologies for not attending the meeting.

[Mr. Y.K. Cheng left the meeting temporarily at this point.]

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed Class A and B amendments to the approved development, highlighting in particular the proposed reduction of gross floor area (GFA) from 538,840m² to 448,576m², deletion of one residential block in the South Plain and revision to the development layout, and reduction in building height;
- (c) departmental comments – the Chief Estate Surveyor/Headquarters of Lands

Department (CES/HQ, LandsD) raised concern on whether the revised scheme proposing a reduction in GFA was the only solution to address Members' concerns. The 'down zoning' proposal would not only result in Hong Kong's limited land resources not being put to optimal use, but might also affect Government's revenue. Besides, complication might arise in the land exchange process as it was LandsD's policy to process land exchange based on the maximum scale of development stipulated under the prevailing Outline Zoning Plan (OZP). No objection from other concerned Government departments was received;

- (d) the District Officer had further consulted the Sai Kung North Rural Committee (SKNRC), Shap Sz Heung Village Office (SSHVO) and a Kwun Hang villager. The SKNRC and SSHVO had concerns on the high-rise development and considered it visually intrusive and incompatible with the rural environment. The Kwun Hang villager commented that the proposed vehicular access to Che Ha Village should meet the requirements of relevant Government departments; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application for reasons as detailed in paragraph 4.1 of the Paper. The current application provided a scheme with reduced density/bulk and less visual impact and would result in the creation of an additional breezeway/view corridor. The scheme was better than the original approved scheme under Application No. A/NE-SSH/26 and the proposed amendments previously considered by the Committee on 27.4.2007. The use of the released school sites, which were private land holdings of the applicant, as landscaped area to be managed and maintained by the applicant was welcome from the landscape planning viewpoint. The applicant agreed to reserve, manage and maintain the private lots to be surrendered until it was required and an approval condition on the aspect had been recommended. Besides, the provision of open space remained unchanged and other amendments were minor in nature. Regarding CES/HQ, LandsD's concern on the land exchange process, the matter could be dealt with separately. As for the comments raised by the Kwun Hang

villager, the Transport Department had no in-principle objection to the access layout from the traffic engineering viewpoint, and an approval condition requiring the applicant to design and implement improvement works on the vehicular access road network for the proposed development and the adjoining villages (including Che Ha Village) was recommended. On other comments raised by SKNRC and SSHVO, the applicant could be advised to brief the locals on the proposed development.

23. Members had no question on the application.

Deliberation Session

24. A Member said that the current proposal was much better than the previous one and considered it acceptable. Referring to the comparison table in paragraph 2.2 and Drawing FA-1 of the Paper, the Chairperson drew Members' attention that the applicant had proposed a revised Master Layout Plan with reduced development density and building bulk to address Members' concerns previously raised. Members agreed that the current scheme showed improvement in visual quality and created an additional breezeway. It was a much better development scheme as compared with the previously approved scheme.

25. Mr. C.S. Mills reiterated that it was LandsD's policy to process land grant application based on the maximum development intensity stipulated under the OZP. The proposed reduction of 90,264m² of GFA would represent a significant loss of Government revenue. The proposed development, which was not developed up to the maximum GFA permissible under the OZP, would pose significantly reduce the amount of premium for the land grant.

26. To address LandsD's concern, the Chairperson sought Members' views on whether amendment to the OZP should be made to revise the maximum permissible GFA to tie in with the latest approved scheme. If the OZP was not amended, the applicant would be entitled to build up to the maximum GFA stipulated under the OZP. However, if an amendment to the OZP was made, additional time would be needed to go through the plan-making process under the Town Planning Ordinance, and the land exchange application might be held up. In response, Mr. C.S. Mills said that as the subject land exchange involved a lot of work, the land grant procedure could be handled in parallel with the

amendment to the OZP. In this regard, Members agreed that the OZP should be amended to reflect the maximum GFA permitted in the latest approved scheme for the subject site.

27. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 24.10.2007, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

- (a) the submission and implementation of a revised master layout plan, taking into account the conditions (b), (c), (j), (m), (p), (r) and (u) below, to the satisfaction of the Director of Planning or of the TPB;
- (b) the submission and implementation of a revised landscape master plan including a tree survey and a tree preservation scheme to the satisfaction of the Director of Planning or of the TPB;
- (c) the submission and implementation of the eco-trail proposal to the satisfaction of the Director of Planning or of the TPB;
- (d) the implementation of mitigation measures identified in the agreed hazard assessment under the subject application to the satisfaction of the Director of Environmental Protection or of the TPB;
- (e) the submission of a planning study and an action plan for the approval of the Co-ordinating Committee of Land-use Planning and Control relating to Potentially Hazardous Installations (CCPHI), as proposed by the applicant, and no occupation of residential development prior to the approval of the CCPHI;
- (f) the submission of an environmental assessment on the widening of Sai Sha Road and the implementation of the mitigation measures identified therein to the satisfaction of the Director of Environmental Protection or of the TPB;

- (g) the submission and implementation of mitigation measures against water pollution to the satisfaction of the Director of Environmental Protection or of the TPB;
- (h) the submission of a revised ecological impact assessment taking into account the revised master layout plan, to the satisfaction of the Director of Agriculture, Fisheries and Conservation or of the TPB;
- (i) the implementation of the modification of the Cheung Muk Tau roundabout, as proposed by the applicant, to the satisfaction of the Commissioner for Transport or of the TPB;
- (j) the provision of not less than 160 private car-parking spaces, 20 coach-parking spaces and public transport facilities in the adjoining “Government, Institution or Community” (“G/IC”) zone to the satisfaction of the Commissioner for Transport or of the TPB;
- (k) no occupation of the residential development, except for 124 dwelling units prior to the opening of Route T7, subject to the implementation of traffic improvement measures recommended in the traffic impact assessment to the satisfaction of the Commissioner for Transport or of the TPB;
- (l) no occupation of the residential development, except for 600 dwelling units (including 124 dwelling units mentioned in condition (k) above) prior to the completion of the Sai Sha Road widening project, subject to the implementation of traffic improvement measures recommended in the traffic impact assessment to the satisfaction of the Commissioner for Transport or of the TPB;
- (m) the design and implementation of improvement works on the vehicular access road network for the proposed development and the adjoining villages, as proposed by the applicant, to the satisfaction of the Commissioner for Transport or of the TPB;

- (n) the diversion of water mains to be affected by the proposed development to the satisfaction of the Director of Water Supplies or of the TPB;
- (o) the submission of a water demand assessment and the implementation of upgrading works identified therein, as proposed by the applicant, to the satisfaction of the Director of Water Supplies or of the TPB;
- (p) the submission of a natural terrain hazard assessment and the implementation of the mitigation measures identified therein, as proposed by the applicant, to the satisfaction of the Director of Civil Engineering and Development or of the TPB;
- (q) the provision of a kindergarten/nursery, to the satisfaction of the Secretary for Education or of the TPB;
- (r) the provision of no less than 8,000m² of public open space facilities in the “Open Space” and “Comprehensive Development Area” zones near Tseng Tau Village, and the management of this open space which should be kept open daily for public use, as proposed by the applicant, to the satisfaction of the Director of Leisure and Cultural Services or of the TPB;
- (s) the submission of a detailed maintenance and management plan for the proposed golf course and the implementation of the proposals made therein to the satisfaction of the Director of Environmental Protection or of the TPB;
- (t) the operation of the proposed golf course should be subject to a renewable short-term permission for a period of not more than one year to the satisfaction of the Director of Environmental Protection or of the TPB;
- (u) the provision of fire fighting access, water supplies and fire services installations to the satisfaction of the Director of Fire Services or of the TPB;

- (v) the surrender of private lots of no less than 6,388m² located at the “G/IC” site near Che Ha Village, at nil cost as proposed by the applicant, upon the demand of the Government to the satisfaction of the Director of Lands or of the TPB; and
- (w) the submission of a revised implementation programme, with phasing proposals to tie in with the completion of both major infrastructural facilities serving the proposed development and the traffic improvement measures, to the satisfaction of the Director of Planning or of the TPB.

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

- (a) the approved Master Layout Plan (MLP), together with a set of approval conditions, would be certified by the Chairman of the TPB and deposited in the Land Registry in accordance with section 4A(3) of the Town Planning Ordinance. Efforts should be made to incorporate the relevant approval conditions into a revised MLP for deposition in the Land Registry as soon as practicable;
- (b) the costs of any necessary diversion of the existing water mains affected by the development were to be borne by the development project;
- (c) the costs of any additional waterworks installations required to facilitate the water supply to the development were to be borne by the development project;
- (d) noise barriers should be presented to the Advisory Committee on the Appearance of Bridges and Associated Structures;
- (e) visual permeability on high fence wall was important, i.e. the North Plain, an area of natural beauty, should not be ‘walled off’, even from the road. Lease control would be maintained over this aspect;

- (f) historical buildings were identified in areas close to the proposed development, including Tai Tung Wo Liu, Che Ha, Tseng Tau, Kwun Hang, Nai Chung and Ma Kwu Lam. Also, several shrines were located in close vicinity to the proposed development including Che Ha, Tseng Tau, Ma Kwu Lam and Nga Yiu Tau. No disturbance should be made to these historical buildings and shrines and the applicant should report to the Antiquities and Monuments Office if there was discovery of historic structures such as graves, shrines, stone tablets, boundary stones etc, in the course of site works;
- (g) the applicant should note the Director of Leisure and Cultural Services' comments in paragraph 7.1.11 of the RNTPC Paper No. A/NE-SSH/26A regarding the security and safety measures for the proposed golf course and golf driving range;
- (h) the applicant should note the Chief Engineer/Development (2), Water Supplies Department's (WSD) comments in paragraph 3.1.5 of the Paper regarding WSD's proposed water main laying works; and
- (i) the applicant should brief the Sai Kung North Rural Committee and concerned village representatives on the proposed development.

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

Agenda Item 7

Section 16 Applications

[Open Meeting (Presentation and Question Sessions Only)]

- (i) A/FSS/172 Proposed House
(New Territories Exempted House - Small House)
in "Village Type Development" and "Green Belt" zones,
Lot 3983A in DD 51, Wo Hop Shek Village, Fanling
(RNTPC Paper No. A/FSS/172)
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- (ii) A/FSS/173 Proposed House
(New Territories Exempted House - Small House)
in “Village Type Development” and “Green Belt” zones,
Lot 3983B in DD 51, Wo Hop Shek Village, Fanling
(RNTPC Paper No. A/FSS/173)
-

Presentation and Question Sessions

29. 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.

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

- (a) background to the applications;
- (b) the proposed house (New Territories Exempted House (NTEH) – Small House) in the respective applications;
- (c) departmental comments – no objection from concerned Government departments was received.
- (d) no public comment was received during the statutory publication period. The District Officer advised that the Chairman of Fanling District Rural Committee, the Residents’ Representative and Indigenous Inhabitants’ Representatives of Wo Hop Shek Village were consulted and they had no comment on the applications; 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.

31. Members had no question on the applications.

Deliberation Session

32. Members noted that both applications complied with the Interim Criteria for assessing planning applications for NTEH/Small House development.

33. After deliberation, the Committee decided to approve the two applications, each on the terms of the application as submitted to the Town Planning Board (TPB). Each permission should be valid until 10.8.2011, 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 submission and implementation of drainage proposals to the satisfaction of the Director of Drainage Services or of the TPB;
- (b) the design and provision of fire fighting access, water supplies for fire fighting and fire service installations to the satisfaction of the Director of Fire Services or of the TPB; and
- (c) the submission and implementation of landscaping proposals to the satisfaction of the Director of Planning or of the TPB.

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

- (a) to note the Chief Engineer/Development(2), Water Supplies Department's comments that 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 the Water Supplies Department's standards; and
- (b) to note that the permission was only given to the development under

application. If provision of an access road was required for the proposed development, the applicant should ensure that such access road (including any necessary filling/excavation of land) complied with the provisions of the relevant statutory plan and obtained planning permission from the TPB where required before carrying out the road works.

[Open Meeting (Presentation and Question Sessions Only)]

- (iii) A/NE-LYT/361 Temporary Open Storage of Water Pipes and Parts
for a Period of 18 Months
in “Agriculture” zone, Lot 1791(Part) in DD 83,
near Wing Ning Wai, Fanling
(RNTPC Paper No. A/NE-LYT/361)
-

Presentation and Question Sessions

35. 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 water pipes and parts for a period of 18 months;
- (c) departmental comments – the Assistant Commissioner for Transport/New Territories, Transport Department (AC for T/NT, TD) did not support the application as the access road to the application site was a substandard village road undesirable for use by heavy goods vehicles. The applicant had not submitted any detailed layout plan showing the vehicular access, details of parking, loading/unloading and manoeuvring spaces within the site. The Director of Environmental Protection (DEP) did not support the application as there were sensitive uses in the vicinity of the application site and environmental nuisance was expected;

- (d) the District Officer advised that the Chairman of the Fanling District Rural Committee (FLDRC) and an Indigenous Inhabitants Representative (IIR) of Lung Yuek Tau Village expressed objection to the application mainly on the ground that the storage of water pipes would cause adverse impacts on the traffic and environmental hygiene of the area. Besides, an IIR and a Residents Representatives (RR) of Lung Yuek Tau Village supported the application while another IIR has no comment. One public comment was also received from the Chairman of FLDRC during the statutory publication period objecting to the application on similar grounds; and
- (e) the Planning Department (PlanD)'s views – PlanD did not support the application or reasons as detailed in paragraph 12.2 of the Paper. The development did not comply with the Town Planning Board (TPB) Guidelines No. 13D for 'Application for Open Storage and Port Back-up Uses' in that no previous planning approval had been granted, adverse departmental comments and local concerns were received, and there was insufficient information to demonstrate that the use would not generate adverse traffic and environmental impacts on the surrounding areas.

36. Members had no question on the application.

Deliberation Session

37. Members considered that the application did not comply with the relevant TPB Guidelines.

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

Agenda Item 8

Section 12A Application

[Open Meeting (Presentation and Question Sessions only)]

Y/MOS/1 Application for Amendment to the
Approved Ma On Shan Outline Zoning Plan No. S/MOS/13
from 'Road' to "Residential (Group B)2",
Junction of Hang Chi Street and Hang Tai Road, Area 86B, Ma On Shan
(RNTPC Paper No. Y/MOS/1)

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

- | | |
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| Miss Ophelia Y.S. Wong
as the Director of Planning | - being a member of the Building Committee and the Strategic Planning Committee (SPC) of HKHA; |
| Mr. C.S. Mills
as the Assistant Director of
Lands Department | - being an alternate member for the Director of Lands who was a member of HKHA; |
| Ms. Margaret Hsia
as the Assistant Director of
Home Affairs Department | - being an Assistant to the Director of Home Affairs who was a member of the SPC and the Subsidised Housing Committee of HKHA. |
| Messrs. B.W. Chan and Y.K.
Cheng | - being former members of the HKHA |

40. Members noted that Ms. Margaret Hsia and Mr. B.W. Chan had tendered their apologies for not attending the meeting.

[The Chairperson, Messrs. C.S. Mills and Y.K. Cheng left the meeting temporarily whilst the Vice-chairman took over the chairmanship at this point.]

Presentation and Question Sessions

41. The Secretary reported that sufficient notice had been given to the applicant, the HKHA, but the applicant had indicated that they would not attend or be represented at the meeting. The Committee agreed to proceed with the consideration of the application in the absence of the applicant.

42. Mr. W.W. Chan, STP/STN, presented the application as detailed in the Paper and made the following main points:

- (a) the applicant proposed to rezone the application site from an area shown as 'Road' to "Residential (Group B)2" ("R(B)2") on the Ma On Shan Outline Zoning Plan (OZP) to integrate with the adjoining "R(B)2" zone to its north for a public rental housing development (PRH);
- (b) with the completion of major transportation networks, namely Sai Sha Road, Ma On Shan Bypass and the East Rail Extension – Tai Wai to Ma On Shan (Ma On Shan Rail) in the area, the site was no longer required for any road project;
- (c) according to the proposed scheme, the development would comprise 3 residential towers of 41 storeys to provide about 2,440 flats at a plot ratio of 5, a maximum domestic gross floor area (GFA) of 111,400m² (including 5,950m² additional GFA if the application site was rezoned to "R(B)2") and a maximum retail GFA of 400 m². The application site itself would be used as a car park for the PRH residents and visitors;
- (d) relevant Government departments consulted had no objection to or no adverse comments on the application;
- (e) no public comment was received during the statutory publication period. The District Officer had consulted a Sha Tin District Council (DC) member, the Owners' Corporation (OC) of Heng On Estate and Kam On Court. The DC member agreed to the application while the OC of the two estates

had no comment on it; and

- (f) PlanD had no objection to the application for reasons as detailed in paragraph 10.1 of the Paper.

43. Members had no question on the application.

Deliberation Session

44. After deliberation, the Committee decided to agree to rezone the application site from 'Road' to "Residential (Group B) 2".

45. The Committee also agreed to advise the applicant to note that the methodology highlighted in the Technical Guide for air ventilation assessment (AVA) (Annex A of the Housing, Planning and Lands Bureau/Environment, Transport and Works Bureau (HPLB/ETWB) Technical Circular No. 1/2006) should be followed as far as possible for undertaking the assessment. It should also be noted that, according to the said Technical Circular, the concerned proponent would be responsible for the overseeing and self-appraisal of the AVA.

[The Chairperson thanked Mr. W.W. Chan, Dr. Kenneth S.S. Tang and Ms. Stephanie P.H. Lai, STPs/STN, for their attendance to answer Members' enquires. They left the meeting at this point.]

[The Chairperson, Messrs. C.S. Mills and Y.K. Cheng returned to join the meeting at this point.]

Tuen Mun and Yuen Long District

[Mr. Wilson W.S. Chan, Mr. Anthony C.Y. Lee and Mr. Frederick S.T. Ng, Senior Town Planners/Tuen Mun and Yuen Long (STPs/TMYL), were invited to the meeting at this point.]

Agenda Item 9

[Open Meeting (Presentation and Question Sessions Only)]

Further Consideration of Application No. A/YL-NSW/172

Proposed Comprehensive Residential Development in “Undetermined” zone,

Lots 592C1(Part), 592CRP(Part) and 1252RP(Part) in DD 115, Nam Sang Wai, Yuen Long

(RNTPC Paper No. A/YL-NSW/172A)

Presentation and Question Sessions

46. The Secretary reported that the application was submitted by an affiliate company of the Sun Hung Kai Properties Ltd. (SHKP). Messrs. Alfred Donald Yap and Y.K. Cheng, having current business dealings with SHKP, had declared interests on the item. Members noted that Mr. Yap had tendered his apologies for not attending the meeting. As the applicant had requested for a deferment of consideration of the application, Members agreed that Mr. Cheng could be allowed to stay at the meeting.

47. The Committee noted that a decision on the application was deferred on 13.4.2007 pending the submission of additional information from the applicant to address the concerns raised by Members. The applicant was allowed two months for preparation of the submission of additional information. On 13.6.2007, the applicant submitted further information on revised Master Layout Plan (MLP), revised Landscape Master Plan and Supplementary Environmental Assessment to address the concerns of the Committee. On 25.7.2007 and 27.7.2007, the applicant requested for a further deferment of the consideration of the application to allow time to prepare supplementary information to address the departmental comments on the further information submitted.

Deliberation Session

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

Agenda Item 10

Section 16 Applications

[Open Meeting (Presentation and Question Sessions Only)]

- (i) A/TM-LTY Y/151 Proposed Residential Development with Retail Facilities and a Minor Relaxation of Building Height Restriction (Amendments to the Scheme Previously Approved under Application No. A/TM-LTY Y/93) in “Commercial” zone, Lots 531RP, 532DRP and 532RP in DD 130 and Adjoining Government Land, Lam Tei, Tuen Mun (RNTPC Paper No. A/TM-LTY Y/151A)
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Presentation and Question Sessions

49. 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 residential development with retail facilities and a minor relaxation of the building height restriction (amendments to previously approved scheme under Application No. A/TM-LTY Y/93);
- (c) departmental comments – no objection from concerned Government departments was received;
- (d) during the publication of the application and the subsequent two publications of further information for public inspection, a total of 30

public comments with 19 in standard letters were received from the Tuen Mun Rural Committee and local villagers. All the commenters objected to the application on fung shui grounds as the development would be built in front of the ancestral urns/graves of the To's clan. The District Officer informed that the locals raised strong objections to the development and advised the applicant to liaise with the locals to resolve the issue; and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application for reasons as detailed in paragraph 10.1 of the Paper. The application, which mainly involved slight reduction in site area with corresponding decrease in total GFA, complied with the development restrictions stipulated in the Outline Zoning Plan. The proposed increase in building height by 3.5m was considered acceptable. Other amendments were technical in nature. The proposed development would not cause adverse environmental, traffic, landscape, visual, sewerage and drainage impacts on the area. Relevant Government departments consulted had no adverse comments on the application. Specifically, the Director of Environmental Protection (DEP) had no objection to the application as the development would comply with the relevant standards and regulations if the mitigation measures proposed in the Environmental Impact Assessment submitted were implemented. Although the DEP had advised that imposition of an approval condition relating to environmental mitigation measures was not necessary, such condition was recommended to ensure that the proposed mitigation measures would be provided satisfactorily at the detailed design and implementation stage. As regards the local objections received, “fung shui” aspect was not a planning consideration, and the applicant could be advised to liaise with the local villagers to address their concerns.

50. The Chairperson informed the Committee that discussion with the DEP on the imposition of an approval condition on the environmental mitigation measures had been held prior to the meeting. DEP agreed to the recommendation of imposing such approval condition on this application, should the application be approved.

51. Members had no question on the application.

Deliberation Session

52. Members noted that the application only involved some minor or technical amendments to the previously approved scheme.

53. 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 10.8.2011, 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 a Landscape Master Plan including a tree preservation proposal to the satisfaction of the Director of Planning or of the TPB;
- (b) the design and provision of environmental mitigation measures to the satisfaction of the Director of Environmental Protection or of the TPB;
- (c) the submission of the design, colour scheme and finishing materials of the noise barrier walls including the proposed measures to mitigate the visual impact on the surrounding area to the satisfaction of the Director of Planning or of the TPB;
- (d) the provision of the footpath along Castle Peak Road – Lam Tei Section to the satisfaction of the Commissioner of Transport or of the TPB;
- (e) the provision of drainage facilities to the satisfaction of the Director of Drainage Services or of the TPB; and
- (f) the provision of Emergency Vehicular Access, water supply for fire fighting and fire service installations for the site to the satisfaction of the Director of Fire Services or of the TPB.

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

- (a) note the District Lands Officer/Tuen Mun, Lands Department's comments to apply for a land exchange to effect the development;
- (b) note the Chief Building Surveyor/New Territories West, Buildings Department's comments that the applicant should be reminded of the requirements for window opening under the Building (Planning) Regulations for the purpose of natural lighting and ventilation. Detailed checking of plans would be carried out upon formal submission of building plans;
- (c) note the Director of Electrical and Mechanical Services' comments that the applicant should follow the "Code of Practice on Working near Electricity Supply Lines" established under the Electricity Supply Lines (Protection) Regulation and consult CLP Power Hong Kong Ltd. prior to establishing any structures;
- (d) note the Chief Engineer/Development (2), Water Supplies Department's comment that the applicant should bear the cost of any necessary diversion works affected by the development;
- (e) note the Assistant Commissioner for Transport/New Territories, Transport Department and the Chief Highway Engineer/New Territories West, Highways Department's comments that the proposed boundary of the proposed development should not encroach upon the existing road area; and
- (f) note the District Officer/Tuen Mun's comment that the applicant was advised to liaise with the locals to address their concerns.

[Open Meeting (Presentation and Question Sessions Only)]

- (ii) A/YL-KTS/399 Proposed Temporary Flea Market for a Period of 3 Years
(Open only on Saturdays, Sundays and Public Holidays
from 10 a.m. to 10 p.m.)
in “Railway” zone, Government Land near Kam Ho Road,
Kam Tin, Yuen Long
(RNTPC Paper No. A/YL-KTS/399)
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Presentation and Question Sessions

55. 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 flea market, which would open only on Saturdays, Sundays and public holidays from 10 a.m. to 10 p.m., for a period of 3 years;
- (c) departmental comments – no objection from concerned Government departments was received;
- (d) one public comment was received from the Owners’ Corporation of a nearby housing estate objecting to the application mainly on the grounds that the proposed flea market would attract crowds of people, thereby creating noise and large quantity of waste, and affect public security. 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. The proposed development was not incompatible with the character of its immediate surroundings. Relevant approval condition restricting the operation hours was recommended to minimise any potential impact on the environment. All Government departments consulted, including the

Environmental Protection Department, had no objection to or no adverse comment on the application. As regards the concerns raised by the commenter, given the proposed flea market was conveniently served by public transport and ample public car parking spaces were available nearby, and there was no sensitive receiver in the immediate vicinity, it was unlikely that major environmental nuisance and public security/safety problem would be resulted.

56. Members had no question on the application.

Deliberation Session

57. Members considered that the proposed temporary flea market would unlikely have any adverse environmental impact on the surrounding area.

58. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 10.8.2010, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) operation of the proposed development was restricted to between 10:00 a.m. to 10:00 p.m. on Saturdays, Sundays and public holidays only, as proposed by the applicant; and
- (b) if the above planning condition (a) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice.

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

- (a) note the Chief Estate Surveyor/Railway Development, Lands Department's comment that consent from the Director of Lands should be obtained for using the site for temporary flea market purpose and erecting advertising signs under the Deed of Vesting;

- (b) note the Director of Food and Environmental Hygiene's comment that the applicant should handle at his own costs the wastes generated from the site; and
- (c) follow the latest 'Code of Practice on Handling Environmental Aspects of Open Storage and Temporary Uses' issued by the Director of Environmental Protection.

[Open Meeting (Presentation and Question Sessions Only)]

- (iii) A/YL-KTS/400 Renewal of Planning Approval for Temporary Open Storage of Vehicles and Container Trailers/ Tractors Park Uses for a Period of 3 Years under Application No. A/YL-KTS/318 in "Agriculture" zone, Lots 617 RP and 618 RP in DD 103, Ko Po San Tsuen, Kam Tin, Yuen Long
(RNTPC Paper No. A/YL-KTS/400)
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Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed renewal of planning approval for temporary open storage of vehicles and container trailers/tractors park uses for a period of 3 years;
- (c) departmental comments – the Assistant Commissioner for Transport/New Territories, Transport Department (AC for T/NT, TD) did not support the application as the width of the proposed access leading to the site was inadequate for two-way traffic of container vehicles and goods vehicles. Reversing vehicle was dangerous to the pedestrians and was not desirable

from traffic engineering point of view. Other concerned Government departments had no adverse comment on or no objection to the application;

- (d) one public comment was received from a Yuen Long District Council member who objected to the application mainly on environmental nuisances brought to the nearby residents because the site was close to residential dwellings; and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the application could be tolerated for reasons as detailed in paragraph 12.2. The development was generally in line with the Town Planning Board Guidelines for “Application for Open Storage and Port Back-up Uses” in that previous planning approvals for the same use on the site had been granted, the approval conditions relating to drainage and landscaping had been complied with and there was no material change in site circumstances. Although the AC for T/NT, TD did not support the application, the site was used solely for parking the container trailers and tractors belonging to the applicant's company and the applicant confirmed that the site had adequate manoeuvring space for reversing of container vehicles, and self-monitoring measures to avoid the occurrence of two-way container traffic on the access road would be implemented. In this regard, an approval condition regarding the implementation of traffic monitoring measures was recommended to address AC for T/NT, TD's concern. Moreover, a shorter approval period of 2 years was also recommended in order to monitor the situation. As regards the local concern on the possible noise and dust impacts on the nearby residents, the application was a renewal of the previous planning permission and there had been no environmental complaint about the site over the last 3 years. The applicant was advised to follow the “Code of Practice on Handling Environmental Aspects of Open Storage and Temporary Uses” issued by the Director of Environmental Protection to minimise any potential environmental nuisance.

61. Members had no question on the application.

Deliberation Session

62. In response to the Chairperson's enquiry on whether the applicant's explanations and the imposition of an approval condition to address TD's concern was acceptable, Mr. Y.M. Lee confirmed that TD was prepared to have a trial-run on the self-monitoring measures as proposed by the applicant to assess whether road safety could be maintained.

63. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 2 years until 10.8.2009, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) the drainage facilities on the site should be maintained at all times during the approval period;
- (b) the existing trees and landscape planting on the site should be maintained at all times during the approval period;
- (c) the traffic monitoring measures, as proposed by the applicant, should be implemented at all times during the approval period;
- (d) 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 10.2.2008;
- (e) if any of the above planning conditions (a), (b) or (c) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (f) if the above planning condition (d) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and

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

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

- (a) note that a shorter approval period of 2 years was granted in order to monitor the operation of the development;
- (b) note the District Lands Officer/Yuen Long, Lands Department's comments that the owner of Lot 618 RP in D.D. 103 should apply to his office for regularisation of the unauthorised structures on the lot and the occupier of the Government land at the southern end of the site should apply for regularisation of illegal occupation of Government land. However, there was no guarantee that such applications would be approved ultimately;
- (c) note the Assistant Commissioner for Transport/New Territories, Transport Department's comment that the land status and the management and maintenance responsibilities of the proposed access leading to the site should be checked;
- (d) note the Chief Highway Engineer/New Territories West, Highways Department's comment that his department was not/should not be responsible for the maintenance of any existing vehicular access connecting the application site and Kam Tin Road;
- (e) note the Director of Electrical and Mechanical Services' comments that prior to establishing any structure within the site, the applicant and his contractors should liaise with CLP Power Hong Kong Ltd. in respect of the safety clearances required for activities near the overhead lines. The applicant and his contractors should also observe the "Code of Practice on Working near Electricity Supply Lines" established under the Electricity Supply Lines (Protection) Regulation when carrying out works in the vicinity of electricity supply lines; and

- (f) follow the latest “Code of Practice on Handling Environmental Aspects of Open Storage and Temporary Uses” issued by the Director of Environmental Protection.

[Open Meeting (Presentation and Question Sessions Only)]

- (iv) A/YL-KTS/401 Proposed Temporary Private Open Car Park
for a Period of 3 Years
in “Agriculture” zone,
Lot 1163 in DD 106, Shui Tsan Tin Tsuen,
Kam Sheung Road, Yuen Long
(RNTPC Paper No. A/YL-KTS/401)

- (v) A/YL-KTS/402 Proposed Temporary Private Open Car Park
for a Period of 3 Years
in “Agriculture” zone,
Lots 1382 and 1383 in DD 112, Shui Tsan Tin Tsuen,
Kam Sheung Road, Yuen Long
(RNTPC Paper No. A/YL-KTS/402)

Presentation and Question Sessions

65. 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.

66. Mr. Frederick S.T Ng, STP/TMYL, presented the applications and covered the following aspects as detailed in the Papers :

- (a) background to the application;
- (b) the proposed temporary private open car park for a period of 3 years in the respective applications;

- (c) departmental comments – the Director of Environmental Protection did not support the applications as there were sensitive receivers including residential dwellings in the vicinity of the sites and environmental nuisances were expected. The Chief Engineer/Mainland North, Drainage Services Department required the submission of drainage proposal to demonstrate no adverse drainage impact on the surrounding area. The Chief Town Planner/Urban Design and Landscape, Planning Department also did not support the applications from landscape planning point of view as the proposed use was not compatible with the agricultural land and the residential use nearby, and adverse impact on the existing landscape of the area would be created. No supporting information had been provided on how the potential landscape impact would be alleviated;
- (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 applications for reasons as detailed in paragraph 12.2 of the Papers. The proposed developments were not in line with the planning intention of the “Agriculture” zone. There was no strong justification for a departure from the planning intention, even on a temporary basis. Moreover, the proposed developments 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 no previous approval had been granted at the sites and there were adverse departmental comments on the application. The proposed developments were incompatible with the agricultural and residential uses nearby. There was insufficient information to demonstrate that the proposed developments would have no adverse environmental, drainage and landscape impacts on the surrounding areas.

67. Members had no question on the applications.

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Deliberation Session

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

- (a) the proposed development was not in line with the planning intention of the “Agriculture” zone which was to retain and safeguard good agricultural land for agricultural purposes. This zone was also intended to retain fallow arable land with good potential for rehabilitation. No strong justification had been given in the submission for a departure from the planning intention, even on a temporary basis;
- (b) the proposed development was not compatible with the agricultural land and residential dwellings in the vicinity of the site; and
- (c) there was insufficient information in the submission to demonstrate that the proposed development would have no adverse environmental, landscape and drainage impacts on the surrounding areas.

[Open Meeting (Presentation and Question Sessions Only)]

- (vi) A/YL-KTS/403 Proposed Temporary Office and Warehouse
for a Period of 3 Years
in “Residential (Group D)” zone,
Lot 1319 (Part) in DD 106, Kong Ha Wai,
Kam Sheung Road, Yuen Long
(RNTPC Paper No. A/YL-KTS/403)
-

Presentation and Question Sessions

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

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

- (c) departmental comments – the Director of Environmental Protection (DEP) did not support the application as there were residential dwellings in the surrounding area and the use would create interface problem within the residential zone. Other concerned Government departments had no objection to or no adverse comment on the application;
- (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 considered that the application could be tolerated for reasons as detailed in paragraph 11.1 of the Paper. The approval of the application on a temporary basis would unlikely jeopardize the implementation of the “Residential (Group D)” zone. The development, which was small in scale and entirely enclosed, was not incompatible with the surrounding areas where open storage yards, workshops and vacant land existed, and the environmental nuisance generated by the development was unlikely significant. To address DEP’s concern on the potential environmental impact, approval conditions restricting the operation hours and activities of the development were recommended. A shorter approval and shorter compliance periods were also recommended to monitor the situation and fulfilment of approval conditions. Besides, the applicant would be advised to undertake environmental mitigation measures as set out in the ‘Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites’ in order to alleviate any potential environmental impact.

70. Members had no question on the application.

Deliberation Session

71. The Chairperson remarked that the applied uses were office and warehouse and all the activities would be conducted indoor. Approval conditions restricting operation hours and activities on the site were recommended to address the DEP’s concern.

72. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 12 months until 10.8.2008, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no night-time operation between 6:00 p.m. and 9:00 a.m., as proposed by the applicant, was allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, was allowed on the site during the planning approval period;
- (c) 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 for the operation of the site at any time during the planning approval period;
- (d) no vehicle dismantling, maintenance, repairing, cleansing, paint spraying and other workshop activities were allowed on the site at any time during the planning approval period;
- (e) the submission of drainage proposals within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 10.11.2007;
- (f) in relation to (e) above, the implementation of drainage facilities within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 10.2.2008;
- (g) 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 10.11.2007;
- (h) if any of the above planning conditions (a), (b), (c) or (d) was not complied with during the planning approval period, the approval hereby given should

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

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

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

- (a) note that prior planning permission should have been obtained before commencing the applied use at the application site;
- (b) note a shorter approval period of 12 months was granted and shorter compliance period was imposed so as to monitor the situation and fulfillment of approval conditions on site;
- (c) resolve any land issues relating to the development with the concerned owner(s) of the application site;
- (d) note the District Lands Officer/Yuen Long, Lands Department's comments that the application lot was an Old Schedule Lot restricted for agricultural purpose only, on which no structures should be erected without prior approval from his Office. According to his recent site inspection, it was found that the unauthorized structure was straddling on Lots 1319 and 1320 in D.D. 106. Therefore, the existing occupation area was found larger than the application area. In this connection, the applicant should clarify the discrepancy. His Office reserves the right to take lease enforcement actions against the irregularity. The lot owner(s) should apply to his Office for regularization of the unauthorized structure on site after obtaining the planning permission. However, his Office did not guarantee

the approval upon receipt of application;

- (e) note the Chief Highway Engineer/New Territories West, Highways Department's (HyD) comments that HyD was not/should not be responsible for the maintenance of any existing vehicular access connecting the site and Kam Shui Road or Kam Sheung Road;
- (f) follow the latest environmental mitigation measures as set out in the revised 'Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites' issued by the Environmental Protection Department to minimize any possible environmental nuisances;
- (g) note the Director of Fire Services' comments that detailed fire safety requirements 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 Office for approval even though the submission of general building plans was not required under the Buildings Ordinance. In formulating the FSIs' proposal, the applicant was advised to make reference to the requirements as stipulated in paragraph 4.29 "Industrial/godown buildings – Low Rise" of the current version of the Codes of Practice for Minimum Fire Service Installations and Equipment;
- (h) note the Chief Engineer/Development (2), Water Supplies Department's (WSD) comments that for provision of water supply to the development, the applicant might need to extend his/her inside services to the nearest government water mains for connection. The applicant should resolve any land matter (such as private lots) associated with the provision of water supply and should be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD's standards; and

- (i) note the Chief Building Surveyor/New Territories West, Buildings Department's comments that all unauthorized structures on site should be removed, which were liable to action under section 24 of the Buildings Ordinance (BO). The granting of planning approval should not be construed as condoning any structures existing on the site under the BO and the allied regulations. Actions appropriate under the Ordinance or other enactment might be taken if contravention was found. Formal submission of the proposed temporary office and warehouse for approval under the BO was required. If the site did not abut on a street of not less than 4.5m wide, the development intensity should be determined under Building (Planning) Regulations (B(P)R) 19(3) at building plan submission stage. Also the applicant should be advised to note B(P)R 41D regarding the provision of emergency vehicular access to the proposed development.

[Open Meeting (Presentation and Question Sessions Only)]

- (vii) A/YL-HT/487 Proposed Temporary Open Storage of Containers for a Period of 3 Years in "Recreation" zone, Lots 383(Part), 386(Part), 387(Part), 388(Part), 389, 390, 391, 392(Part), 393, 394(Part), 395(Part), 396(Part), 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413(Part), 416(Part), 424(Part), 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443A, 443B, 445, 446, 447, 448, 450, 451(Part), 452(Part), 453, 454, 455, 456, 457, 458A(Part), 458B(Part), 458C(Part), 459A, 460, 461, 462, 463, 464, 465(Part), 466, 467(Part), 547(Part), 548 (Part), 549, 550(Part), 551(Part), 552(Part), 559(Part), 560(Part), 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574(Part), 575(Part) , 576(Part) , 577(Part) , 578(Part) and 579(Part) in DD 125 and Adjoining Government Land, Ha Tsuen, Yuen Long (RNTPC Paper No. A/YL-HT/487A)
-

Presentation and Question Sessions

74. The Committee noted that agreement was previously given on 25.5.2007 to the applicant's request to defer consideration of the application pending the submission of additional information. The Committee agreed that the application should be submitted for consideration within 2 months from the date of receipt of additional information from the applicant. On 20.7.2007, the applicant requested for a further deferment of the consideration of the application to allow 6 weeks to conduct various technical assessments to assure the feasibility and compatibility of the proposed use at the site.

Deliberation Session

75. 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 6 weeks as requested were allowed for preparation of submission of further information, and no further deferment would be granted unless under very special circumstances.

[Open Meeting (Presentation and Question Sessions Only)]

(viii) A/YL-HT/500 Temporary Open Storage of Container Trailers and Tractors with Ancillary Repair Workshop for a Period of 3 Years in "Comprehensive Development Area" zone, Lots 2939RP(Part), 2940RP(Part), 2941RP(Part), 2943, 2944, 2945(Part), 2946(Part), 2947(Part), 3090(Part), 3091(Part), 3092(Part), 3093, 3094(Part), 3095(Part), 3096(Part), 3097(Part) and 3098(Part) in DD 129 and Adjoining Government Land, Ha Tsuen, Yuen Long (RNTPC Paper No. A/YL-HT/500)

- (ix) A/YL-HT/501 Temporary Open Storage of Container Trailers and Tractors for a Period of 3 Years in “Comprehensive Development Area” zone, Lots 2941RP(Part), 3094(Part), 3095(Part), 3099(Part), 3100(Part), 3101(Part) and 3115RP(Part) in DD 129 and Adjoining Government Land, Ha Tsuen, Yuen Long (RNTPC Paper No. A/YL-HT/501)
-

Presentation and Question Sessions

76. Noting that the two applications submitted by the same applicant were similar in nature and the application sites were adjoining to each other, Members agreed to consider the two applications together.

77. Mr. Anthony C.Y. Lee, STP/TMYL, presented the applications and covered the following aspects as detailed in the Papers :

- (a) background to the applications;
- (b) the temporary open storage of container trailers and tractors including ancillary repair workshop (for Application No. A/YL-HT/500 only) for a period of 3 years;
- (c) departmental comments – the Director of Environmental Protection (DEP) did not support the applications because there were sensitive uses in the vicinity of the sites and the access road (i.e. Lau Fau Shan Road) and environmental nuisance was expected. Other Government departments had no objection to or no adverse comments on the applications;
- (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 considered that the applications could be tolerated for reasons as detailed in paragraph 12.2 of

the Papers. The applied uses were not incompatible with the surrounding uses. The approval of the applications on a temporary basis would not frustrate the planning intention of the “Comprehensive Development Area” zone on the OZP which was yet to have any implementation programme. Previous approval for the same use was granted at each of the sites and the approval conditions were complied with. There had been no material change in the planning circumstances since granting the previous approvals. Besides, due to demand for open storage and port back-up uses in the area, the Committee had recently approved similar applications for temporary open storage uses in close proximity. Concerned Government departments, except the Environmental Protection Department, had no adverse comment on the applications and no local objection against the applications was received. To address DEP’s concern, approval conditions prohibiting night-time operation and operation on Sundays and public holidays were recommended to mitigate any potential environmental impacts. Besides, the applicant was advised to follow the “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” to minimize the possible environmental impacts on the nearby sensitive receivers.

Deliberation Session

78. Members noted that the sites were not subject to any environmental complaints in the past three years and no public comment or local objection was received. Moreover, similar applications had been approved in the area.

79. After deliberation, the Committee decided to approve Application No. A/YL-HT/500 on a temporary basis for a period of 3 years until 10.8.2010, 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) the drainage facilities implemented on the site under Application No. A/YL-HT/308 should be maintained at all times during the planning approval period;
- (d) 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 10.11.2007;
- (e) 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 10.2.2008;
- (f) in relation to (e) above, the implementation of the accepted run-in proposal within 9 months from the date of planning approval to the satisfaction of the Director of Highways or of the TPB by 10.5.2008;
- (g) the provision of fire service installations within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 10.2.2008;
- (h) the submission of tree preservation and landscape proposals within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 10.2.2008;
- (i) in relation to (h) above, the implementation of tree preservation and landscape proposals within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 10.5.2008;
- (j) if any of the above planning conditions (a), (b) or (c) was not complied with during the approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;

- (k) if any of the above planning conditions (d), (e), (f), (g), (h) or (i) 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
- (l) upon expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the TPB.

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

- (a) resolve any land issues relating to the development with the concerned owner(s) of the application site;
- (b) note that prior planning permission should have been obtained before commencing the applied use at the application site;
- (c) note the District Lands Officer/Yuen Long, Lands Department's comments that the lot under application was an Old Schedule Agricultural Lot held under the Block Government Lease under which no structures were allowed to be erected without prior approval from his Office, and to apply to his office for Short Term Wavier to cover any structure(s) on the site;
- (d) follow the latest "Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites" issued by the Director of Environmental Protection;
- (e) note the Assistant Commissioner for Transport/New Territories, Transport Department's (TD) comments that the land status of the access road leading to the site from Lau Fau Shan 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;

- (f) note the Chief Highway Engineer/New Territories West, Highways Department's (HyD) comments to construct a run-in at the access point at Lau Fau Shan 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, to liaise with the other owners/applicants of the sites to coordinate with each other to construct the run-in, and to seek TD's agreement on the width of the run-in; and
- (g) note the Director of Fire Services' comments to submit relevant building plans incorporated with the proposed fire service installations to his Department for approval even though the submission of general building plans was not required under the Buildings Ordinance, and to approach his Dangerous Goods Division for advice on licensing of the premises for workshop purposes.

81. After deliberation, the Committee decided to approve Application No. A/YL-HT/501 on a temporary basis for a period of 3 years until 10.8.2010, 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) the drainage facilities implemented on the site under Application No. A/YL-HT/307 should be maintained at all times during the planning approval period;
- (d) 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 10.11.2007;

- (e) 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 10.2.2008;
- (f) in relation to (e) above, the implementation of the accepted run-in proposal within 9 months from the date of planning approval to the satisfaction of the Director of Highways or of the TPB by 10.5.2008;
- (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 10.2.2008;
- (h) the submission of tree preservation and landscape proposals within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 10.2.2008;
- (i) in relation to (h) above, the implementation of tree preservation and landscape proposals within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 10.5.2008;
- (j) if any of the above planning conditions (a), (b) or (c) was not complied with during the approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (k) if any of the above planning conditions (d), (e), (f), (g), (h) or (i) 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
- (l) upon expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the TPB.

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

- (a) resolve any land issues relating to the development with the concerned owner(s) of the application site;
- (b) note that prior planning permission should have been obtained before commencing the applied use at the application site;
- (c) note the District Lands Officer/Yuen Long, Lands Department's comments that the lot under application was an Old Schedule Agricultural Lot held under the Block Government Lease under which no structures were allowed to be erected without prior approval from his Office, and to apply to his office for Short Term Wavier and Short Term Tenancy to regularize the irregularities on the site;
- (d) follow the latest "Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites" issued by the Director of Environmental Protection;
- (e) note the Assistant Commissioner for Transport/New Territories, Transport Department's (TD) comments that the land status of the access road leading to the site from Lau Fau Shan 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
- (f) note the Chief Highway Engineer/New Territories West, Highways Department's (HyD) comments to construct a run-in at the access point at Lau Fau Shan 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, to liaise with the other owners/applicants of the sites to coordinate with each other to construct the run-in, and to seek TD's agreement on the width of the run-in.

[Open Meeting (Presentation and Question Sessions Only)]

- (x) A/YL-LFS/160 Proposed Temporary Environmental Educational Centre
for a Period of 3 Years
in “Commercial/Residential” zone,
Lots 2182RP, 2183RP, 2184RP, 2185RP, 2186 and
2187RP (Part) in DD 129, Lau Fau Shan, Yuen Long
(RNTPC Paper No. A/YL-LFS/160)
-

Presentation and Question Sessions

83. 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 temporary environmental educational centre for a period of 3 years;
- (c) departmental comments – the Director of Environmental Protection (DEP) did not support the application since the proposed development had potential to cause environmental nuisance to the sensitive receivers nearby according to the latest ‘Code of Practice on Handling Environmental Aspects of Open Storage and Temporary Uses’ (COP) and the information provided in the application. The Chief Engineer/Mainland North, Drainage Services Department required the applicant to submit detailed drainage proposal;
- (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 11.1 of the Paper. The

proposed development was more akin to temporary recycling workshop uses given that the covered area for the proposed workshop use (900m²) was disproportionate to the proposed educational centre use (60m²). There was insufficient information in the submission to justify the scale of these two recycling workshops and no information was provided to demonstrate the recycling process, nature and types of materials to be involved in the demonstration workshops as well as the proposed use of the remaining uncovered areas. The proposed development was not compatible with the residential dwellings/development to its west and southwest as well as the tourist spot of seafood market and restaurants of Lau Fau Shan to its northwest. No information/technical submission was submitted to demonstrate that the development would not have adverse environmental and drainage impacts on the surrounding areas. All previous planning applications for various open storage and workshop uses at the site were rejected by the Committee/the Board since 2001 and there had been no change in planning circumstances to justify a departure of the previous decisions.

84. Members had no question on the application.

Deliberation Session

85. Noting the proposed temporary environmental educational centre had only an area of 60m² which was disproportionate in scale with the two recycling workshops which had a total area of 900m², Members had doubt on the genuine use of the proposed development and did not support the application.

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

- (a) the proposed development was not compatible with the residential dwellings/development to its west and southwest and the tourist spot of seafood market and restaurants of Lau Fau Shan to its northwest;

- (b) there were adverse departmental comments from concerned Government departments on environmental and drainage aspects; and
- (c) there was no information in the submission to demonstrate that the proposed development would not have adverse environmental and drainage impacts on the surrounding areas.

[Open Meeting (Presentation and Question Sessions Only)]

- (xi) A/YL-MP/161 Proposed Public Utility Installation (Package Transformer) in “Road” zone,
Government Land near Mai Po San Tsuen, Mai Po,
Yuen Long
(RNTPC Paper No. A/YL-MP/161)
-

Presentation and Question Sessions

87. 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 public utility installation (package transformer);
- (c) departmental comments – no objection from concerned Government departments was received. The Director of Agriculture, Fisheries and Conservation (DAFC) commented that as the site was in close proximity to Mai Po Egretty, construction activities should be avoided during the breeding season of egrets and herons (i.e. from April to August). Good site practice should be adopted during construction works and construction noise resulting from the proposed works should be kept to a minimum in order to avoid possible disturbance impacts to the roosting and feeding grounds of birds in the surrounding areas;

- (d) no public comment was received during the statutory publication period. The District Officer advised that there might be some Permitted Burial Area and ancestor graves (PBA) near the proposed package transformer and the applicant was reminded to take extra care of the graves/urns and not to cause any damage to them, if any. Moreover, the applicant should be reminded to assure that the footpath/access, if any, leading to the PBA remained accessible during the works period to prevent any inconvenience caused to the villagers; 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. There was no planned project to use the site for road purpose. The proposed package transformer was an essential utility to provide electricity supply for the development of Small Houses in Mai Po San Tsuen. This small-scale development was not incompatible with the residential and other developments in the area, and would unlikely cause significant adverse environmental, traffic, drainage, landscape or visual impacts on the existing and planned village settlements. The proposed development complied with the requirements of the Town Planning Board Guideline No. 12B in that it would unlikely cause significant ecological impact. To address DAFC's concern, the applicant was advised to avoid construction activities from April to August, and to adopt good site practice during construction works and minimize the construction noise resulting from the proposed works.

88. Members had no question on the application.

Deliberation Session

89. Members noted that the proposed package transformer was a small-scale development providing essential electricity supply to the adjoining residential developments and Government departments consulted had no adverse comment on the application. DAFC's concern could be addressed by the inclusion of an advisory clause.

90. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 10.8.2011, 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 proposal to the satisfaction of the Director of Drainage Services or of the TPB;
- (b) the provision of emergency vehicular access, water supplies for fire-fighting and fire service installations to the satisfaction of the Director of Fire Services or of the TPB; and
- (c) the submission and implementation of landscape proposals to the satisfaction of the Director of Planning or of the TPB.

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

- (a) note the District Lands Officer/Yuen Long, Lands Department's comment that the applicant should submit formal application to his office for Short Term Tenancy for erection of the proposed package transformer on site;
- (b) note the Chief Engineer/Mainland North, Drainage Services Department's comment that the applicant should review his drainage proposal/works as well as site boundary in order not to cause encroachment upon areas outside his jurisdiction;
- (c) note the Director of Agriculture, Fisheries and Conservation's comment that construction activities including the construction of the package transformer and trench digging works should be avoided during the breeding season of egrets and herons (i.e. from April to August). Good site practice should be adopted during construction works and construction noise resulting from the proposed works should be kept to a minimum;

- (d) note the Director of Electrical and Mechanical Services' (DEMS) comment that the applicant and his contractors should observe the "Code of Practice on Working near Electricity Supply Lines" established under the Electricity Supply Lines (Protection) Regulation when carrying out works in the vicinity of the electricity supply lines;
- (e) note the Director of Health's comment that the installation and operation of package transformer should comply with with the 'Guidelines for Limiting Exposure to Time-varying Electric, Magnetic, and Electromagnetic Fields (Up to 300GHz)' promulgated by the International Commission on Non-Ionizing Radiation Protection (ICNIRP). The applicant should approach DEMS to arrange a direct on-site measurement upon commissioning of the package transformer to verify such compliance; and
- (f) note the District Officer/Yuen Long, Lands Department's comment that the applicant should take extra care of the graves/urns and not cause any damage to them, if any. The applicant should assure that the footpath/access, if any, leading to the Permitted Burial Area remained accessible during the works period to prevent any inconvenience caused to the villagers.

[Open Meeting (Presentation and Question Sessions Only)]

- (xii) A/YL-NSW/176 Proposed Temporary Education Centre (Educational Farm) for a Period of 5 Years in "Other Specified Uses" annotated "Comprehensive Development and Wetland Enhancement Area 1" zone, Government Land near Nam Sang Wai Road, Nam Sang Wai, Yuen Long
(RNTPC Paper No. A/YL-NSW/176)
-

Presentation and Question Sessions

- 92. The Committee noted that the applicant requested on 21.6.2007 for a deferment

of the consideration of the application to allow time to prepare additional information including ecological impact assessment report to address departmental comments.

Deliberation Session

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

Agenda Item 11

Section 16A Applications

[Open Meeting (Presentation and Question Sessions Only)]

- (i) A/YL-LFS/80-4 Proposed Class B Amendments to Approved Development -
Proposed Residential Development
in “Green Belt” zone,
Various Lots in DD 129 and Government Land,
Lau Fau Shan, Yuen Long
(RNTPC Paper No. A/YL-LFS/80-4)
-

Presentation and Question Sessions

94. The Committee noted that consideration of the application was previously deferred on 13.7.2007 upon the Planning Department’s recommendation to allow more time for departmental comments on the late submissions from the applicant. The applicant requested on 25.7.2007 to defer consideration of the application in order to allow time for preparing supplementary information to address outstanding departmental comments.

Deliberation Session

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

[Open Meeting (Presentation and Question Sessions Only)]

- (ii) A/YL-PS/143-1 Extension of Time for Commencement of the Approved Concrete Batching Plant with a Relaxation of Building Height under Application No. A/YL-PS/143 for a Period of 3 Years until 22.8.2010 (i.e. an Additional 3 Years from the Date of Approval) in “Industrial (Group D)” zone, Lot 793 in DD 124 and Lots 70-77, 215RP, 216 in DD 127, Hung Tin Road, Ping Shan, Yuen Long
(RNTPC Paper No. A/YL-PS/143-1)
-

Presentation and Question Sessions

96. Mr. Frederick S.T. Ng, STP/TMYL, informed the Members that the date stated in paragraph 7.2 of the Paper should be 22.8.2010. He then presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed extension of time for commencement of the development for a period of 3 years until 22.8.2010;
- (c) departmental comments – no objection from concerned Government departments was received;

- (d) the District Officer said that during the s.16 and s.17 application stages, the nearby villagers objected to the proposal on the grounds that the proposed development would lead to pollution, noise, traffic and compatibility problems. The objectors maintained their previous objections to the application; and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application for reasons as detailed in paragraph 7.1 of the Paper. The application complied with the criteria of Town Planning Board Guidelines No. 35A on Extension of Time for Commencement of Development in that there was no material change in the land use zoning and development restrictions of the site; the commencement of development was delayed due to land ownership issues beyond the control of the applicant; and the applicant had made efforts to comply with the planning condition relating to the landscape aspect. The local concerns on the proposed development had been fully considered by the Committee in granting the planning permission on 22.8.2003. Relevant Government departments, including Environmental Protection Department and Transport Department, had no objection to the proposed development. To allow more time for the applicant to sort out the land ownership issues, the validity of the planning permission was recommended to be extended for 3 years, as proposed by the applicant, subject to the same approval conditions.

97. Members had no question on the application.

Deliberation Session

98. The Committee noted that there had been no change in planning circumstances since the approval of the application.

99. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 22.8.2010, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

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

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

- (a) A 3-year extension was currently granted to the applicant with the original duration of 4 years for commencement of development. Should the applicant wish to seek any further extension of time, submission could be made under section 16A(2) of the Town Planning Ordinance (the Ordinance), provided that the aggregate of all the extension periods would not exceed the original duration for commencement. For extension beyond that period, the applicant would have to submit a fresh application under section 16 of the Ordinance. Reference could be made to the TPB Guidelines No. 35 and 36 for details;
- (b) note the District Lands Officer/Yuen Long, Lands Department's comment that as erection of structures on agricultural lots were not permitted, the applicant should apply to his office for a Short Term Waiver in respect of the proposed structures on each lot. Besides, as the adjoining Government land might also be affected by the application site, the applicant should be required to apply to his office for a Short Term Tenancy to cover the Government land portion;
- (c) note the Chief Town Planner/Urban Design and Landscape, Planning Department's comment to plant taller trees for screening of the proposed development;

- (d) note the Chief Building Surveyor/New Territories West, Buildings Department's comments that formal submission of the proposed concrete batching plant, office and any proposed new works, including any temporary structure for approval under the Buildings Ordinance was required. Attention should be paid to the requirements stipulated in PNAP 255 for Concrete Batching Plant and Building (Planning) Regulations 41D in respect of the provision of emergency vehicular access; and

- (e) note the Director of Environmental Protection's comments that:
 - (i) it was specified in Schedule 1 of the Air Pollution Control Ordinance that "works in which the total silo capacity exceeds 50 tonnes and in which cement is handled" was a specified process, for which a Specified Process Licence was required for its operation;

 - (ii) Schedule 2 of the Environmental Impact Assessment Ordinance specified that "a cement works or concrete batching plant with a total silo capacity of more than 10,000 tonnes in which cement is handled and manufactured" was a designated project, for which an environmental permit was required for its construction and operation; and

 - (iii) the applicant should be reminded to implement the environmental mitigation measures proposed in his Planning Statement submitted to the TPB for Application No. A/YL-PS/143.

[The Chairperson thanked Messrs. Wilson W.S. Chan, Anthony C.Y. Lee and Frederick S.T. Ng, STPs/TMYL, for their attendance to answer Members' enquires. They left the meeting at this point.]

Agenda Item 12

Any Other Business

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