

TOWN PLANNING BOARD

Minutes of 318th Meeting of the Rural and New Town Planning Committee held at 2:30 p.m. on 23.12.2005

Present

Director of Planning
Mr. Bosco C.K. Fung

Chairman

Mr. Michael K.C. Lai

Vice-chairman

Mr. C.K. Wong

Ms. Carmen K.M. Chan

Mr. David W.M. Chan

Mr. Tony C.N. Kan

Mr. Alfred Donald Yap

Assistant Commissioner for Transport/New Territories,
Transport Department
Miss Cindy Law

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

Assistant Director/New Territories, Lands Department
Mr. Francis Ng

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

Secretary

Absent with Apologies

Professor K.C. Ho

Mr. Alex C.W. Lui

Mr. Francis Y.T. Lui

Professor Nora F.Y. Tam

Dr. Lily Chiang

Professor David Dudgeon

Professor Peter R. Hills

Mr. Edmund K.H. Leung

Dr. C.N. Ng

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

In Attendance

Assistant Director of Planning/Board
Mr. P.Y. Tam

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

Town Planner/Town Planning Board
Mr. Anthony K.O. Luk

Agenda Item 1

Confirmation of the Draft Minutes of the 317th RNTPC Meeting held on 9.12.2005

[Open Meeting]

1. The draft minutes of the 317th RNTPC meeting held on 9.12.2005 were confirmed without amendments.

Agenda Item 2

Matters Arising

[Open Meeting]

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

Lantau and Islands District

[Ms. Donna Y.P. Tam, Senior Town Planner/Lantau and Islands (STP/L & Is), was invited to the meeting at this point.]

Agenda Item 3

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/I-PC/3

Proposed Helicopter Landing Pad

in “Government, Institution or Community” zone,

Peng Chau North,

Peng Chau

(RNTPC Paper No. A/I-PC/3)

3. Ms. Margaret Hsia declared an interest in this item as the application was submitted by the Home Affairs Department. The Committee noted that Ms. Hsia had tendered her apology for being unable to attend the meeting.

Presentation and Question Sessions

4. Ms. Donna Y.P. Tam, STP/L & Is, presented the application and covered the following aspects as detailed in the Paper:

- (a) background to the application;
- (b) the proposed helicopter landing pad;
- (c) departmental comments – no adverse comments from concerned Government departments were received;
- (d) no public comments and no local objection were received; and
- (e) the Planning Department's views – Planning Department had no objection to the application for reasons given in paragraph 10.1 of the Paper, in particular the proposed development was required for providing emergency services to Peng Chau.

5. Members had no question on the application.

[Mr. Francis Ng arrived to join the meeting at this point.]

Deliberation Session

6. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board. The permission should be valid until 23.12.2009, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed.

7. The Committee also agreed to advise the applicant that an Environmental Permit was required for the construction and operation of the proposed helicopter landing pad which was a designated project under the Environmental Impact Assessment (EIA) Ordinance.

The construction and operation of a designated project without a valid Environmental Permit for the project constituted a potential offence under the EIA Ordinance.

[The Chairman thanked Ms. Donna Y.P. Tam, STP/L & Is, for her attendance to answer Members' enquiries. Ms. Tam left the meeting at this point.]

Tuen Mun and Yuen Long District

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

Agenda Item 4

Section 16 Applications

[Open Meeting (Presentation and Question Sessions Only)]

- (i) A/TM-LTY Y/132 Temporary Open Public Vehicle Park
for a Period of 3 Years
in "Residential (Group C)" zone,
Lots 1141RP(Part), 1142ARP, 1143RP(Part),
1147RP(Part) in DD 130
and Adjoining Government Land,
Lam Tei,
Tuen Mun

 (RNTPC Paper No. A/TM-LTY Y/132)

Presentation and Question Sessions

8. 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 open public vehicle park;
- (c) departmental comments – the Commissioner for Transport (C for T) could not accept the subject application as the applicant had not submitted the required swept path to demonstrate that it had no adverse traffic impacts; the Director of Environmental Protection was unable to support the application due to potential environmental nuisances from off-site traffic of heavy vehicles; and other Government departments had no objection to the application;
- (d) no public comments and no local objection were received; and
- (e) the Planning Department’s views – Planning Department did not support the application for the reasons as stated in paragraph 11.1 of the Paper in that the proposed development was not in line with the planning intention of the “Residential (Group C)” zone and was not compatible with the residential character of the surrounding areas; there was no information to demonstrate that there would not have adverse environmental and traffic impacts; and approval of the application would set an undesirable precedent.

9. Questions raised by the Members were :

- (a) the applicant claimed that only private cars and goods vehicles less than 5.5 tonnes would be parked in the application site. Clarification was sought on the remedial measure if the application site was used for parking of vehicles more than 5.5 tonnes after planning approval was given;
- (b) whether the application site was underneath a flyover; and
- (c) whether the residential development opposite to the application site across Fuk Hang Tsuen Road had been occupied and provided with enough parking spaces.

10. In reply, Mr. Wilson Y.L. So, DPO/TMYL, made the following points :
- (a) the C for T cast doubt on the applicant's claim that the car park would not serve long vehicles as it was observed on site that coaches longer than 10m were using the subject car park. Should the application be approved, the applicant would be advised that the permission was only given to the use/development under application. If the application site was used for parking of vehicles more than 5.5 tonnes, the planning permission might be revoked;
 - (b) as indicated on Plan A-3 of the Paper, the Deep Bay Link (Lam Tei Section), which was under construction, was located to the northeast of the application site; and
 - (c) the comprehensive residential development (The Sherwood) across Fuk Hang Tsuen Road was near completion. The provision of car parking spaces in this residential development should have followed the requirements of the Hong Kong Planning Standards and Guidelines.

Deliberation Session

11. Given the proximity of the application site to the Deep Bay Link, a Member commented that it was more suitable for car park rather than residential use. Mr. Wilson So responded that although the application site was now zoned "Residential (Group C)", a land use review might be undertaken upon the completion of the Deep Bay Link. The Chairman remarked that both the Environmental Protection Department and the Transport Department had reservation on the application.

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

- (a) the proposed development was not in line with the planning intention of the "Residential (Group C)" ("R(C)") zone which was for low-rise, low

density residential developments. No strong justification had been given in the submission for a departure from such planning intention, even on a temporary basis;

- (b) there was no information in the submission to demonstrate that the proposed development would not have adverse environmental and traffic impacts on the surrounding areas; and
- (c) approval of the application would set an undesirable precedent for similar application within “R(C)” zone. The cumulative impact of approving such applications would result in a general degradation of the environment.

[Open Meeting (Presentation and Question Sessions Only)]

- (ii) A/YL-HT/425 Temporary Open Storage of Used Plastic Ware for a Period of 3 Years in “Comprehensive Development Area” zone, Lots 3314(Part) and 3315A in DD 129, Ha Tsuen, Yuen Long

 (RNTPC Paper No. A/YL-HT/425)

Presentation and Question Sessions

13. 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 open storage of used plastic ware;
- (c) departmental comments – no adverse comments from concerned Government departments were received;

- (d) no public comments and no local objection were received; and
- (e) the Planning Department's views – Planning Department had no objection to the application for reasons given in paragraph 12.2 of the Paper. To address the Director of Environmental Protection's concern on the operation hours and workshop activities, approval conditions were recommended in paragraph 12.3(a) to (c) of the Paper to minimize the possible environmental impacts.

14. The Chairman remarked that the application site fell within Category 1 areas under the Town Planning Board Guidelines No. 13D for Application for Open Storage and Port Back-up Uses.

15. In referring to the photos on Plans A-4a and A-4b of the Paper, a Member asked whether the operation of the open storage of used plastic ware would be supervised by a Government department in order to avoid any hygienic problem. Mr. H.M. Wong responded that according to the applicant, the application site would be used for open storage purpose only and there would be no washing/cutting/compacting/melting of plastic ware and no workshop activities. In this regard, the application could be tolerated.

Deliberation Session

16. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years up to 23.12.2008, on the terms of the application as submitted to the Town Planning Board and subject to the following conditions :

- (a) no night-time operation between 6:00 p.m. to 8:00 a.m. as proposed by the applicant should be permitted at the site during the planning approval period;
- (b) no operation on Sundays and public holidays as proposed by the applicant should be permitted at the site during the planning approval period;

- (c) no workshop activities including washing, cutting, compacting and melting of plastic ware as proposed by the applicant should be permitted at the site during the planning approval period;
- (d) the submission of landscape and tree preservation proposals within 6 month from the date of planning approval to the satisfaction of the Director of Planning or of the Town Planning Board by 23.6.2006;
- (e) in relation to (d) above, the implementation of landscape and tree preservation proposals within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the Town Planning Board by 23.9.2006;
- (f) the submission of drainage proposals within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 23.6.2006;
- (g) in relation to (f) above, the implementation of drainage proposals within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 23.9.2006;
- (h) the provision of a 9-litres water type/3kg dry powder fire extinguisher for the site office within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 23.6.2006;
- (i) if any of the above planning conditions (a), (b) or (c) was not complied with at any time during the approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;

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

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

- (a) apply to District Lands Officer/Yuen Long for Short Term Waiver for erection of structure on the site;
- (b) follow the environmental mitigation measures as recommended in the “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” in order to minimize the potential environmental impacts on the adjacent area;
- (c) note the comments of Chief Engineer/Development (2), Water Supplies Department to extend inside services to the nearest government water mains for connection and resolve any land matter associated with the provision of water supply and should be responsible for the construction, operation and maintenance of the inside services within the private lots to his satisfaction; and
- (d) note the comments of the Assistant Commissioner for Transport/New Territories, Transport Department to clarify the land status and management/maintenance responsibilities of the access road leading to the site and to consult the relevant lands/maintenance authorities.

[Open Meeting (Presentation and Question Sessions Only)]

- (iii) A/YL-HT/426 Temporary Open Storage of Construction Materials and Machinery for a Period of 3 Years in “Recreation” zone, Lots 1161(Part), 1198(Part), 1199A, 1199B(Part), 1200(Part), 1201(Part), 1202A, 1202B, 1203(Part), 1204(Part), 1205(Part), 1206(Part), 1207(Part), 1208 and 1213(Part) in DD 125, Ha Tsuen, Yuen Long
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- (RNTPC Paper No. A/YL-HT/426)

Presentation and Question Sessions

18. 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 open storage of construction materials and machinery;
- (c) departmental comments – the Director of Environmental Protection (DEP) did not support the application due to potential environmental nuisances from off-site traffic of heavy vehicles; the Commissioner for Transport (C for T) raised concern on setting an undesirable precedent if the subject application was approved; the Commissioner of Police also advised that the infrastructure of Ha Tsuen area was not sufficient to support the increased traffic demand; and other Government departments had no objection to the application;
- (d) no public comments and no local objection were received; and

- (e) the Planning Department's views – Planning Department did not support the application for the reasons as stated in paragraph 12.2 of the Paper in that the proposed development was not compatible with the nearby village settlements; there was no information to demonstrate that there would not be adverse environmental and traffic impacts; there was no change in planning circumstances since the rejection of the previous applications; and the development did not meet the Town Planning Guidelines No. 13D as there were adverse comments from Government departments including DEP and C for T.

19. Members had no question on the application.

Deliberation Session

20. The Chairman remarked that applications for open storage uses located away from San Wai Road were normally rejected by the Committee.

21. After deliberation, the Committee decided to reject the application and the reason was that the development was not in line with the Town Planning Board Guidelines No. 13D for Application for Open Storage and Port Back-up Uses in that there were major adverse comments from Government departments and there was insufficient information in the submission to demonstrate that the development would not have adverse environmental, traffic and drainage impacts on the surrounding areas.

[Open Meeting (Presentation and Question Sessions Only)]

- (iv) A/YL-HT/427 Temporary Open Storage of Metal Ware and Machinery with Ancillary Office and Parking Spaces for a Period of 3 Years in "Undetermined" zone, Lots 1803(Part), 1804(Part), 1805(Part), 1806A(Part) and 1806B(Part) in DD 125, Ha Tsuen, Yuen Long
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- (RNTPC Paper No. A/YL-HT/427)

Presentation and Question Sessions

22. 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 open storage of metal ware and machinery with ancillary office and parking spaces;
- (c) departmental comments – the Commissioner of Police (C of P) advised that the infrastructure of Ha Tsuen area was not sufficient to support the increased traffic demand; and other Government departments had no objection to the application
- (d) one public comment received during the publication period raising objection on grounds of traffic impact on the already congested Ping Ha Road; and
- (e) the Planning Department's views – Planning Department had no objection to the application for reasons given in paragraph 12.2 of the Paper. With regard to the traffic concern raised by C of P and in the public comment received during the publication period, the Commissioner for Transport and the Director of Environmental Protection had no in-principle objection to the application.

23. In response to the Chairman's question, Mr. Wilson Y.L. So, DPO/TMYL, stated that the application had been approved several times before but was revoked due to non-compliance with the drainage condition. The applicant had submitted a drainage proposal for the current application. A shorter compliance period was recommended so as to monitor the fulfilment of this approval condition.

Deliberation Session

24. The Chairman remarked that the applicant had demonstrated efforts in complying with the approval condition.

25. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years up to 23.12.2008, on the terms of the application as submitted to the Town Planning Board and subject to the following conditions :

- (a) the maintenance of the landscape planting under application No. A/YL-HT/394 on the site at all time during the planning approval period;
- (b) 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 Town Planning Board by 23.3.2006;
- (c) in relation to (b) above, the implementation of drainage proposals within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 23.6.2006;
- (d) the submission of a run-in proposal within 3 months from the date of planning approval to the satisfaction of the Director of Highways or of the Town Planning Board by 23.3.2006;
- (e) the provision of the vehicular run-in within 6 months from the date of planning approval to the satisfaction of the Director of Highways or of the Town Planning Board by 23.6.2006;
- (f) the provision of a 9-litres water type/3kg dry powder fire extinguisher for the site office within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 23.6.2006;
- (g) if the above planning condition (a) was not complied with at any time during the approval period, the approval hereby given should cease to have

effect and should be revoked immediately without further notice;

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

26. The Committee also agreed to advise the applicant of the following :

- (a) note that shorter compliance periods had been imposed in order to closely monitor the fulfillment of approval conditions;
- (b) follow the environmental mitigation measures as recommended in the “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” in order to minimize the potential environmental impacts on the adjacent area;
- (c) note the comments of the Assistant Commissioner for Transport/New Territories, Transport Department to clarify the land status and management/maintenance responsibilities of the access road leading to the site and to consult the relevant lands/maintenance authorities; and
- (d) note the comments of the Chief Engineer/Development(2), Water Supplies Department (WSD)’s comments that the applicant might need to extend his/her inside services to the nearest 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 insider services within the private lots to WSD’s standards.

[Open Meeting (Presentation and Question Sessions Only)]

- (v) A/YL-KTS/353 Temporary Petrol/Liquefied Petroleum Gas Filling Station
for a Period of 3 Years
in “Agriculture” zone,
Lots 233BRP and 456RP in DD 103,
Kam Tin Road,
Kam Tin, Yuen Long

(RNTPC Paper No. A/YL-KTS/353)

Presentation and Question Sessions

27. 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 petrol/liquefied petroleum gas (LPG) filling station;
- (c) departmental comments – no adverse comments from concerned Government departments were received;
- (d) one public comment received during the publication period concerning the adverse traffic and potential risk generated by the proposed development ;
and
- (e) the Planning Department’s views – Planning Department had no objection to the application for reasons given in paragraph 11.1 of the Paper in that the proposed development was not incompatible with the surrounding land uses and it would provide petrol/LPG filling services in the western part of Kam Tin area. Regarding the public comment received during the publication period on risk and traffic aspects, relevant Government departments including the Electrical and Mechanical Services Department, the Fire Services Department and the Transport Department had no

objection to the application.

28. The Chairman sought clarification on the reason for no taking up of the filling station development after the previous application was approved on 2.2.2001. Mr. Wilson Y.L. So, DPO/TMYL, said that the applicant had encountered some problems in clearing the existing occupant of the site. Although the Committee had granted an extension of time for compliance with approval condition, he subsequently failed to comply with the approval condition on time and the application was revoked. The application site was later approved for a temporary vehicle workshop and vehicle parts for sales on 4.3.2005 but was also revoked due to non-compliance with the approval conditions.

Deliberation Session

29. The Chairman remarked that the application site was the subject of a previous planning permission for the same use and there was no departmental objection.

30. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years up to 23.12.2008, on the terms of the application as submitted to the Town Planning Board and subject to the following conditions :

- (a) no car-washing and maintenance activities should be carried out within the application site;
- (b) the submission of vehicular access proposal within 6 months from the date of planning approval to the satisfaction of the Assistant Commissioner for Transport/New Territories or of the Town Planning Board by 23.6.2006;
- (c) in relation to condition (b) above, the implementation of vehicular access proposal within 9 months from the date of planning approval to the satisfaction of the Assistant Commissioner for Transport/New Territories or of the Town Planning Board by 23.9.2006;
- (d) the submission of landscape proposals within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the

Town Planning Board by 23.6.2006;

- (e) in relation to condition (d) above, the implementation of landscape proposals within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the Town Planning Board by 23.9.2006;
- (f) the implementation of the accepted drainage proposal within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 23.9.2006;
- (g) the provision of emergency vehicular access, water supplies for fire-fighting and fire service installations within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services by 23.9.2006;
- (h) the submission of quantitative risk assessment within 6 months to the satisfaction of the Director of Electrical and Mechanical Services or of the Town Planning Board by 23.6.2006;
- (i) the implementation of mitigation measures identified in the quantitative risk assessment within 9 months to the satisfaction of the Director of Electrical and Mechanical Services or of the Town Planning Board by 23.9.2006;
- (j) if the above planning condition (a) was not complied with at any time 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 (b), (c), (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 the expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the Town Planning Board.

31. The Committee also agreed to advise the applicant of the following :

- (a) the District Lands Officer/Yuen Long's comment that his office reserves the right to take appropriate enforcement action if breach of the waiver conditions under the Short Term Waiver be found on site subsequently without prior approval from his office;
- (b) the Chief Highway Engineer/New Territories West, Highways Department (HyD)'s comment that the run-in/outs should be constructed according to HyD's standard Drawings H1113 and H1114. The accesses behind the run-ins/outs should be designed, constructed and maintained by the applicant. The proposed 5.5m service road serving the proposed petrol filling station should be designed, constructed and maintained by the applicant;
- (c) the Director of Environmental Protection's comment that the applicant should observe the requirements under the Water Pollution Control Ordinance to minimise the potential water pollution from the proposed use;
- (d) the Director of Fire Services' comment that the Dangerous Goods Division of his department should be consulted as the site was proposed to be used as petrol filling station where "Dangerous Goods" was involved. The safety distance pertaining to the Guidance for the Design, Construction, Modification and Maintenance of Petrol Filling Stations should be maintained. Otherwise, automatic foam/water spray system should be provided. Separation distance between liquefied petroleum gas (LPG) and Petrol/Diesel Filling Facilities as specified by Gas Authority should be maintained. Advice on the storage/refilling of LPG should be sought from the Gas Standard Office of Electrical and Mechanical Services

Department. The parking spaces for users of the service area should be deleted;

- (e) the Director of Electrical and Mechanical Services' comment that the applicant should observe the "Code of Practice on Working near Electricity Supply Lines" established under the Electricity Supply Lines (Protection) Regulation should be observed by the applicant and his contractors when carrying out works in the vicinity of electricity supply lines. Prior to establishing any structure within the site, the applicant and his contractors should liaise with CLP Power Hong Kong Limited to divert the existing low voltage overhead lines away from the vicinity of the proposed development; and
- (f) the Chief Building Surveyor/New Territories West, Buildings Department's comment that formal submission of proposed development for approval under the Buildings Ordinance was required.

[Open Meeting (Presentation and Question Sessions Only)]

- (vi) A/YL-KTS/358 Temporary Outdoor Car Showroom
for a Period of 3 Years
in "Agriculture" zone,
Lot 1542RP(Part) in DD 106,
Kam Sheung Road,
Kam Tin,
Yuen Long

(RNTPC Paper No. A/YL-KTS/358)

Presentation and Question Sessions

32. 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 outdoor car showroom;
- (c) departmental comments – no adverse comments from concerned Government departments were received;
- (d) one public comment received during the publication period raising concerns on the environmental, traffic and drainage impacts. The public comment was subsequently withdrawn; and
- (e) the Planning Department's views – Planning Department did not support the application for the reasons as stated in paragraph 12.2 of the Paper in that the proposed development was not in line with the planning intention of the "Agriculture" zone; it did not comply with the Town Planning Guidelines No. 13D in that it was not compatible with the agricultural activities; there was no change in planning circumstances since the rejection of the previous applications; and the approval of the application would set an undesirable precedent.

33. A Member sought clarification on the reasons of approving a previous application for the subject site in 1993. In reply, Mr. Wilson Y.L. So, DPO/TMYL, said that the application (No. A/DPA/YL-KTS/32) was approved for an open storage of vehicles. The Town Planning Board Guidelines 13 for 'Application for Open Storage and Port Back-up Uses' was not in force at that time and there was no departmental objection. The applicant had not made any submission for compliance with approval conditions relating to landscape, vehicular access, drainage and sewage treatment. Subsequently in 1995, the site was discovered to be used for purpose other than the applied use. The ensuing five applications were all rejected by the Committee for not complying with the Town Planning Board Guidelines 13 or its later versions.

Deliberation Session

34. The Chairman remarked that when compared with the year 1993, the public now had generally greater expectations on the quality of their living environment. The public had also become more concerned about the nuisance brought about by open storage uses. Although the application site was once approved for open storage of vehicles in 1993, the applicant did not comply with the approval conditions.

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

- (a) the development was not in line with the planning intention of the “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 application did not comply with the Town Planning Board Guidelines for “Application for Open Storage and Port Back-up Uses” in that the development was not compatible with the agriculture activities, fallow/cultivated agriculture land and houses located to the south and west of the site. There was no information in the submission to demonstrate that the proposed development would not cause adverse traffic, drainage and landscape impacts on the surrounding areas; and
- (c) the approval of the application would set an undesirable precedent for similar uses to proliferate in this rural area. The cumulative effect of approving such similar applications would result in a general degradation of the environment of the area.

operation hours and to require the applicant to implement accepted noise mitigation measures. With regard to C of P's concern, the Transport Department had no objection to the application.

37. Members had no question on the application.

Deliberation Session

38. The Chairman remarked that the application site had been approved for the same use several times since 2000. The applicant had complied with the approval conditions on noise mitigation measures, landscape and drainage for the latest planning application. The current application was basically a renewal of the previous planning permission. There was no change in planning circumstances and no local objection against the application.

39. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years up to 23.12.2008, on the terms of the application as submitted to the Town Planning Board and subject to the following conditions :

- (a) no night time operation between 11 p.m. to 7 a.m. was allowed on site at any time during the approval period;
- (b) no medium goods vehicle, heavy goods vehicle, construction vehicle or container vehicle was allowed to be parked or stored on the application site at any time during the approval period;
- (c) noise mitigation measures as proposed should be adopted on site at all time during the approval period;
- (d) drainage facilities on site should be maintained in good condition at all time during the approval period;
- (e) implementation of the submitted landscape proposal within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the Town Planning Board by 23.3.2006;

- (f) provision of 9-litres water type/3kg dry powder fire extinguisher(s) within 3 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 23.3.2006;
- (g) if any of the above conditions (a), (b), (c) or (d) was not complied with at any time during the approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice; and
- (h) if any of the approval conditions (e) or (f) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice.

40. The Committee also agreed to advise the applicant of the following :

- (a) the permission was only given to the use/development under application. It did not condone any other use/development existing on the site that was not covered by the application. The applicant should take immediate action to discontinue such use/development not covered by the permission.
- (b) the Chief Engineer/Mainland North, Drainage Services Department's comment to properly maintain the drainage system and rectify the system if it was found inadequate/ineffective during operation; submit condition records of the existing drainage facilities within 3 months after the planning approval to the satisfaction of his Department; and consult the District Lands Officer/Yuen Long and the relevant lot owners and demonstrate that their consents regarding all drainage facilities outside the site boundary or the applicant's jurisdiction had been obtained; and
- (c) the Assistant Commissioner for Transport/New Territories, Transport Department's comment to check the land status of the access/road/track leading to the site from Tin Wah Road and consult the lands and maintenance authorities of the access/road/track accordingly.

44. Mr. Wilson So continued to say that according to the Town Planning Board (TPB) Guidelines No. 33 on 'Deferment of Decision on Representations, Comments, Further Representations and Applications Made under the Town Planning Ordinance', the Committee might consider whether the right or interest of other concerned parties would be affected if consideration of the application was deferred. In general, consultation with Government departments on technical issues, submission of important supplementary information and awaiting recommendations of planning-related study or infrastructure proposal would normally be accepted as reasons for deferral.

45. In response to the Chairman's question about the applicant's reason for deferment, Mr. Wilson So said that the applicant applied for a deferment of the consideration of the application to allow time to clarify the nature of the proposed use. In a recent dialogue with the applicant's representative, the applicant claimed that the applied use should not be defined as an open storage use governed by the TPB Guidelines No. 13D for 'Application for Open Storage and Port Back-up Uses'. However, as already explained to the applicant, paragraph 1.4 of the TPB Guidelines No. 13D clearly indicated that open storage included 'open storage use with on-site commercial activities, e.g. display and sale of vehicles'. The TPB Guidelines No. 13D was therefore relevant to the consideration of the subject application (i.e. temporary open air private car park for exhibition of used cars).

46. As the scope of TPB Guidelines No. 13D was clear and applicable to the subject application and there were no other strong reasons provided by the applicant to substantiate his request for deferral, the Chairman suggested and Members agreed that the Committee should proceed with consideration of the application.

Presentation and Question Sessions

47. 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 open air private car park for exhibition of used

cars;

- (c) departmental comments – the Director of Drainage Services (DDS) advised that there was insufficient information to demonstrate there would not be adverse drainage impacts; and other Government departments had no objection to the application;
- (d) two local objections received from the District Officer and seven public comments received during the publication period raising objections on grounds of environmental, traffic and drainage impacts; and
- (e) the Planning Department’s views – Planning Department did not support the application for the reasons as stated in paragraph 12.2 of the Paper in that the proposed development was not in line with the planning intention of the “Residential (Group D)” zone; it did not comply with the Town Planning Guidelines No. 13D as there were adverse comments from DDS; and there were local concerns on traffic and environmental aspects.

48. Members had no question on the application.

Deliberation Session

49. A Member noted that the Committee had approved similar applications in “Residential (Group C)” (“R(C)”) zone before. The Committee should fully substantiate its reasons if the subject application was not supported. Mr. Wilson So responded that both “R(C)” and “Residential (Group D)” zones fell within Category 3 areas under the Town Planning Board Guidelines No. 13D, within which applications would normally not be favourably considered unless the applications were on sites with previous planning approvals. The current application site was not the subject of any planning permission for open storage use. Regarding those applications with no previous planning approval, the Committee was more cautious in giving planning permission.

50. A Member noted that the principal of a school in the neighbourhood raised an objection to the application. Mr. Wilson So said that the school was located to the

south-east of the application site. It was quite far away from the application site. Another Member remarked that the owners of the surrounding fish ponds should also be consulted on the application. Mr. Wilson So responded that a notice was published in two daily Chinese and one daily English local newspapers informing the public about the availability of the application for public inspection for 3 weeks. All the public comments received were summarized in paragraph 11 of the Paper.

51. The Chairman noted that there were local objections on environmental and traffic grounds. Mr. H.M. Wong advised that the Environmental Protection Department (EPD) had no objection to the application. A car park for private cars was common in residential development. It would unlikely generate unacceptable environmental nuisance compared with a car park for heavy vehicles. However, the EPD was concerned about the ingress/egress to the car park which would link up with Kam Pok Road. In accordance with the Environmental Impact Assessment report for 'Main Drainage Channels for Ngau Tam Mei, Yuen Long and Kam Tin', Kam Pok Road was built to serve as a maintenance access road for the drainage channel only. The applicant should be alerted of this issue.

52. Miss Cindy Law advised that the Transport Department (TD) had no adverse comments on the application. However, a vehicle ban scheme was being considered for Fairview Park Boulevard (FPB) which was a private road leading to Kam Pok Road. The management office of the FPB intended to prohibit vehicles exceeding 7m from entering the section of FPB and Kam Pok Road. As the proposed development would only involve private cars, it would unlikely be affected by the proposed restrictions. Miss Law also advised that Kam Pok Road had been upgraded for drainage maintenance purpose but was not yet open for private vehicles.

53. Mr. H.M. Wong suggested that if the application was approved, the applicant should be requested to liaise with the Drainage Services Department (DSD) to sort out the traffic arrangement on the use of Kam Pok Road for the subject car park development. Mr. Wilson So agreed to convey the message to DSD.

54. The Chairman remarked that relevant technical departments including the EPD and TD had no objection to the application. The DSD was also not objecting to the application subject to the submission of a Drainage Impact Assessment. A Member

suggested that the application could be approved subject to a shorter approval period in order to monitor the operation of the car park. Members shared this view and agreed that an approval period of two years would be appropriate.

55. In referring to the approval condition at paragraph 12.4 restricting the storage of only private cars on site, the Chairman sought clarification on whether it would preclude the storage of goods vehicles. Miss Cindy Law said that private car and goods vehicles were under different categories.

56. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 2 years up to 23.12.2007, on the terms of the application as submitted to the Town Planning Board and subject to the following conditions :

- (a) no operation between 7 p.m. and 9 a.m, as proposed by the applicant, should be carried out on the application site at any time during the planning approval period;
- (b) only private cars were allowed to be stored on site;
- (c) the submission of landscape and tree preservation proposals within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the Town Planning Board by 23.6.2006;
- (d) in relation to (c) above, the implementation of the landscape and tree preservation proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the Town Planning Board by 23.9.2006;
- (e) the submission of Drainage Impact Assessment (DIA) within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 23.6.2006;
- (f) in relation to (e) above, the provision of drainage facilities as proposed in the DIA within 9 months from the date of planning approval to the

satisfaction of the Director of Drainage Services or of the Town Planning Board by 23.9.2006;

- (g) the hard-paving of the application site and installation of perimeter channels with oil interceptors within 6 months from the date of planning approval to the satisfaction of the Director of Environmental Protection or of the Town Planning Board by 23.6.2006;
- (h) if any of the above planning condition (a) or (b) was not complied with at any time during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (i) if any of the above planning conditions (c), (d), (e), (f) or (g) was not complied with by the 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 the expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the Town Planning Board.

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

- (a) the permission was only given to the use/development under application. It did not condone any other use/development existing on the site that was not covered by the application. The applicant should take immediate action to discontinue such use/development not covered by the permission.
- (b) District Lands Officer/Yuen Long's comments that the lot under application was an Old Schedule Agricultural Lot held under the Block Government Lease under which no structures were allowed to be erected without prior approval from his office. The unauthorized structures should be regularized through application of Short Term Waiver to his

office;

- (c) Director of Environmental Protection's comments that in accordance with the Environmental Impact Assessment report for "Main Drainage Channels for Ngau Tam Mei, Yuen Long and Kam Tin", Kam Pok Road was built to serve as a maintenance access road only. The applicant should be alerted of this issue and liaise with the Drainage Services Department (DSD) on the traffic arrangement;
- (d) Assistant Commissioner for Transport/New Territories, Transport Department (TD)'s comments to note the vehicle ban scheme which was probably to be implemented on Fairview Park Boulevard (FPB). Since FPB was a private road, the management office of the road intended to prohibit vehicles exceeding 7m in length from entering the section of FPB between FPB and Kam Pok Road. Though the above traffic scheme was still under discussion among parties concerned, the applicant should give due consideration to this respect in planning the development;
- (e) Chief Highway Engineer/New Territories West, Highways Department's comments that the proposed access point to the site coincided with a turning area of Kam Pok Road. TD should be consulted on the modification works to the turning area which should be carried out by the applicant. Besides, the applicant should be responsible for the design, construction and maintenance of any vehicular access to the site;
- (f) Chief Building Surveyor/New Territories West, Buildings Department's comments that the granting of the permission should not be construed as condoning to any structures existing on site under the Buildings Ordinance (BO) and the allied regulations and actions appropriate under the BO or other enactment may be taken if contravention was found; use of containers as guardrooms are considered as temporary buildings and were subject to control under Building (Planning) Regulations Part VII; and formal submission of any proposed new works, including any temporary structure for approval under the BO was required; and

- (g) Project Manager/New Territories North & West, Civil Engineering and Development Department's comments that the proposed drainage connection work would need to be agreed by DSD.

[Open Meeting (Presentation and Question Sessions Only)]

- (ix) A/YL-MP/150 Proposed Land Filling
(for New Territories Exempted House Development)
in "Village Type Development" zone,
Lot 2261RP(Part) in DD 104,
San Wai Tsuen,
Mai Po,
Yuen Long
(RNTPC Paper No. A/YL-MP/150)
-

Presentation and Question Sessions

58. 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 land filling for New Territories Exempted House development;
- (c) departmental comments – the Director of Drainage Services (DDS) advised that submission and provision of drainage facilities proposal was required to substantiate the application; the Commissioner for Transport raised concerns on the vehicular access arrangement of the site; and other Government departments had no objection to the application;
- (d) no public comments and no local objection were received; and

- (e) the Planning Department's views – Planning Department did not support the application for the reasons as stated in paragraph 11.1 of the Paper in that there was no information to demonstrate the pressing need for building Small Houses within the application site; there was insufficient information in the submission to demonstrate that the development would not generate adverse drainage impacts; approval of the application would set an undesirable precedent.

59. Members had no question on the application.

Deliberation Session

60. The Chairman said that the pond within the application site was already filled, but there was no application for Small House development according to the Lands Department. The intention of the proposed land filling was unclear.

61. In response to the Secretary's remark, Mr. Wilson Y.L. So, DPO/TMYL referred to Plan A-1 of the Paper and said that the Application No. A/YL-MP/143 was located to the far north of the subject site. Similarly falling within a "Village Type Development" zone, the application was proposed for pond filling for village type development. The application was rejected by the Committee on 29.7.2005 on ground that there was no immediate need for Small House development and the proposed pond filling was not justified. On the contrary, the subject application site was an abandoned farmland and the applicant applied for land filling instead of pond filling.

62. Mr. Wilson So continued to say that, according to the justifications provided by the applicant, the proposed land filling was mainly to remove the breeding swamps of mosquitoes in order to address the complaints from local villagers. The application site would then be used as an open space with a view for Small House development in the long run.

63. Since the intention of the proposed land filling was not entirely clear, a Member suggested deferring consideration of the application pending further justifications from the applicant. The Chairman concurred with this view as the Committee was concerned about

the undesirable impacts of the proposed land filling and the possible abuse of use of the land once the land was formed. Other Members agreed.

64. After deliberation, the Committee decided to defer a decision on the application pending the submission of further justifications of the proposed land filling 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.

[Open Meeting (Presentation and Question Sessions Only)]

- (x) A/YL-PH/511 Temporary Petrol Filling Station for a Period of 3 Years
in “Village Type Development” zone,
Lots 2095BRP, 2096BRP and 2097BRP in DD 111,
Wang Toi Shan Lo Uk Tsuen,
Kam Tin Road,
Pat Heung,
Yuen Long
(RNTPC Paper No. A/YL-PH/511)
-

Presentation and Question Sessions

65. 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 petrol filling station (PFS);
- (c) departmental comments – no adverse comments from concerned Government departments were received;
- (d) no public comments and no local objection were received; and

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

66. Members had no question on the application.

Deliberation Session

67. The Chairman remarked that the application site had been approved for PFS for a few times since 1998.

68. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years up to 23.12.2008, on the terms of the application as submitted to the Town Planning Board and subject to the following conditions :

- (a) the drainage facilities implemented on site under Application No. A/YL-PH/415 should be maintained at all times during the approval period;
- (b) if the above planning condition (a) was not complied with at any time during the approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice; and
- (c) upon the expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the Town Planning Board.

69. The Committee also agreed to advise the applicant of the following :

- (a) the District Lands Officer/Yuen Long's comment that the applicant was required to apply for regularization of the excess built-over-area found on the lot;

- (b) the Director of Fire Services' comment that the previous fire safety requirements issued by his Department being maintained and provided to the satisfaction of his Department;
- (c) the Chief Highway Engineer/New Territories West, Highways Department's comment that the construction works of the road improvement project for Kam Tin Road, Stage 2 should not be affected by the development;
- (d) the Chief Engineer/Development (2), Water Supplies Department's comment that no structure should be erected over the waterworks reserve and such area should not be used for storage purposes;
- (e) the Director of Environmental Protection's comment that the applicant should observe the requirements under the Air Pollution Control (Petrol Filling Stations) (Vapour Recovery) Regulation in 2004, especially in making any modification of existing petrol filling facilities or installing new petrol filling facilities. In addition, if any chemical waste would be produced from the site, the applicant should apply to the Authority for registration as a Chemical Waste Producer as required under the Waste Disposal (Chemical Waste) (General) Regulation; and
- (f) the Chief Building Surveyor/New Territories West, Buildings Department's comment that the granting of this planning approval should not be construed as condoning to any structures existing on the site under the Buildings Ordinance and the allied regulations. Actions appropriate under the said Ordinance or other enactment might be taken if contravention was found.

[Open Meeting (Presentation and Question Sessions Only)]

- (xi) A/YL-PS/234 Proposed Residential Development
with Ancillary Recreational Facilities and Car Park
(Amendments to an Previously Approved Development
Scheme under Application No. A/YL-PS/204) with
a Minor Relaxation of the Building Height Restriction
in “Residential (Group A)2” and
“Comprehensive Development Area” zones,
Lots 2330RP, 2331, 2332RP and 2335RP in DD 124,
Hung Shui Kiu,
Ping Shan,
Yuen Long

(RNTPC Paper No. A/YL-PS/234)

70. The application was submitted by the Dartfield Development Ltd., a subsidiary of Sun Hung Kai Properties Ltd. (SHKP). Mr. Alfred Donald Yap declared interest in this item as he had current business dealings with SHKP.

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

Presentation and Question Sessions

71. 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 residential development with ancillary recreational facilities and car park with a minor relaxation of the building height restriction;
- (c) departmental comments – no adverse comments from concerned Government departments were received;

- (d) no public comments and no local objection were received; and
- (e) the Planning Department's views – Planning Department had no objection to the application for reasons given in paragraph 11.1 of the Paper in that the proposed amendments were technical in nature and there had been no change in planning circumstances since the approval of the previous application under A/YL-PS/204.

72. Members had no question on the application.

Deliberation Session

73. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board. The permission should be valid until 23.12.2009, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

- (a) the submission and implementation of landscaping proposals, tree survey report, tree preservation scheme and compensatory planting scheme to the satisfaction of the Director of Planning or of the Town Planning Board;
- (b) the provision of vehicular access point, internal road/traffic access, parking (including motorcycle and bicycle parking spaces) and loading/unloading facilities to the satisfaction of the Commissioner for Transport or of the Town Planning Board; 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 Town Planning Board.

74. The Committee also agreed to advise the applicant of the following :

- (a) the Assistant Commissioner for Transport/New Territories, Transport Department's comments to check and clarify the land status, management and maintenance responsibilities of the road/path/track leading to the site; and to assess and advise if the existing road facilities including footways, pedestrian crossings, etc. in the vicinity of the proposed development were adequate for the commuting of future occupants as detailed in paragraph 9.1.2 of the Paper;
- (b) the Chief Highway Engineer/New Territories West, Highways Department's comments that a run-in instead of a junction should be adopted for the access and the run-in should be constructed to the latest version of Highways Department Standard Drawing No. H1113 and H1114 or H5115 and H5116 as appropriate to suit site conditions; his office would not maintain the proposed access track between the site and Hung Yuen Road; and his office should be consulted if any road drainage was affected as detailed in paragraph 9.1.3 of the Paper;
- (c) the Chief Building Surveyor/New Territories West, Buildings Department (BD)'s comments that the site should be abutting on and accessible from a street of not less than 4.5m wide. Such street and the proposed access should be completed prior to the application for Occupation Permit as detailed in paragraph 9.1.7 of the Paper; and
- (d) the Head of the Geotechnical Engineering Office, Civil Engineering and Development Department's comments that the north-eastern part of the site fell within Scheduled Area No. 2, beneath which marble with cavities might be present. Foundation plans should be submitted to BD for approval as detailed in paragraph 9.1.8 of the Paper.

[Mr. Alfred Donald Yap returned to the meeting and Mr. C.K. Wong arrived to join the meeting at this point.]

76. Members had no question on the application.

Deliberation Session

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

- (a) the proposed development was not in line with the planning intention of the “Residential (Group D)” zone which was to improve and upgrade the existing temporary structures within the rural area to permanent buildings and to cater for very low-rise and low-density residential development. There was no strong justification provided in the submission for a departure from such planning intention; and
- (b) there was no information in the submission to demonstrate that the proposed development would not have adverse traffic, drainage and landscape impacts on the surrounding areas.

[Open Meeting (Presentation and Question Sessions Only)]

(xiii) A/YL-ST/295 Temporary Container Vehicle Park,
Container Storage Area, Vehicle Repair and Canteen
for a Period of 3 Years
in “Other Specified Uses”
annotated “Service Stations” zone,
Lots 372DRP(Part), 743RP(Part) and
744RP(Part) in DD 99 and Adjoining Government Land,
San Tin,
Yuen Long

 (RNTPC Paper No. A/YL-ST/295)

78. The Committee noted that the applicant requested on 15.12.2005 for a deferment of the consideration of the application to allow time for further consultation with Government

departments to resolve technical issues including drainage and traffic aspects.

Presentation and Question Sessions

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

[Open Meeting (Presentation and Question Sessions Only)]

- (xiv) A/YL-TT/189 Proposed Temporary Warehouse for Storage of High-tech Machinery for a Period of 3 Years in “Other Specified Uses” annotated “Rural Use” zone, Lots 692A(Part), 692B(Part), 694(Part), 695(Part), 696(Part) and 733 in DD 117 and Adjoining Government Land, Tai Tong, Yuen Long
-
- (RNTPC Paper No. A/YL-TT/189)

Presentation and Question Sessions

80. 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 warehouse for storage of high-tech machinery;

- (c) departmental comments – the Commissioner for Transport advised that approving such similar application might induce cumulative adverse traffic impact; and other Government departments had no objection to the application;
- (d) no public comments and no local objection were received; and
- (e) the Planning Department’s views – Planning Department did not support the application for the reasons as stated in paragraph 12.1 of the Paper in that the proposed development was not in line with the planning intention of the “Other Specified Uses” annotated “Rural Use” zone and was not compatible with the surrounding rural land uses; there was no information to demonstrate that there would not have adverse traffic and drainage impacts; and approval of the application would set an undesirable precedent.

81. Members had no question on the application.

Deliberation Session

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

- (a) the proposed development was not in line with the planning intention of the “Other Specified Uses” annotated “Rural Use” (“OU(RU)”) zone which was intended primarily for the preservation of the character of the rural area. 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 surrounding rural land uses with mainly fallow agricultural land and residential structures;
- (c) there was insufficient information in the submission to demonstrate that the proposed development would not generate adverse traffic and drainage

impacts on the surrounding areas; and

- (d) approval of the application would set an undesirable precedent for other similar uses to proliferate into the “OU(RU)” zone. The cumulative effect of approving such applications would result in a general degradation of the environment of the area.

[Open Meeting (Presentation and Question Sessions Only)]

(xv) A/YL-TYST/303 Proposed Temporary Open Storage of
Construction Machinery and Material
for a Period of 3 Years
in “Residential (Group D)” zone,
Lots 593-596, 599(Part), 600-606 and
609(Part) in DD 121 and Adjoining Government Land,
Tong Yan San Tsuen,
Yuen Long

(RNTPC Paper No. A/YL-TYST/303)

(xvi) A/YL-TYST/304 Proposed Temporary Open Storage of
Construction Machinery and Material
for a Period of 3 Years
in “Residential (Group B)1” and
“Residential (Group D)” zones,
Lots 554, 579(Part), 581(Part), 586(Part) and
587-589 in DD 121 and Adjoining Government Land,
Tong Yan San Tsuen,
Yuen Long

(RNTPC Paper No. A/YL-TYST/304)

83. The applications were submitted by the same applicant for the same use. Their application sites were adjoining to each other. In view of the similarities in their site context and the uses under application, the Committee agreed that the two planning applications should be considered together.

Presentation and Question Sessions

84. 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 proposed temporary open storage of construction machinery and material;
- (c) departmental comments – the Director of Environmental Protection did not support the application due to cumulative off-site traffic noise nuisances to residents; and other Government departments had no objection to the application;
- (d) one public comment received during the publication period raising concerns on the environmental nuisance and danger caused by the heavy vehicles, and the blockage of local access by the construction machinery and materials; and
- (e) the Planning Department’s views – Planning Department did not support the application for the reasons as stated in paragraphs 12.2 and 12.4 of the Papers respectively in that the proposed development was not in line with the “Residential (Group D)” and “Residential (Group B)1” zones and were not compatible with the surrounding land uses; there was no information to demonstrate that there would not be adverse environmental and drainage impacts and why suitable sites within the “Open Storage” zone on the subject Outline Zoning Plan could not be identified; and there was no change in planning circumstances since the rejection of the previous applications.

85. Members had no question on the applications.

Deliberation Session

86. After deliberation, the Committee decided to reject the Application No. A/YL-TYST/303 and the reasons were :

- (a) the proposed development was not in line with the planning intention of the “Residential (Group D)” zone which was to improve and upgrade the existing temporary structures within the rural areas through redevelopment of existing temporary structures into permanent buildings. No strong justification had been given in the submission to justify for a departure from the planning intention, even on a temporary basis;
- (b) the application did not comply with the Town Planning Board Guidelines No. 13D in that the proposed development was not compatible with the residential developments and active/fallow agricultural land and that no previous approval had been granted at the site; and
- (c) there was insufficient information in the submission to demonstrate that the proposed development would not generate adverse environmental and drainage impacts on the surrounding areas.

87. After deliberation, the Committee decided to reject the Application No. A/YL-TYST/304 and the reasons were :

- (a) the proposed development was not in line with the planning intention of the “Residential (Group B)1” zone which was intended primarily for sub-urban medium-density residential developments in rural areas where commercial uses serving the residential neighbourhood might be permitted on application to the Town Planning Board; and not in line with the planning intention of the “Residential (Group D)” zone which was intended primarily for improvement and upgrading of existing temporary structures within the rural areas through redevelopment of existing temporary structures into permanent buildings. It was also intended for low-rise, low-density residential developments subject to planning permission from the Town Planning Board. No strong justification had

been given in the submission to justify for a departure from the planning intentions, even on a temporary basis;

- (b) the application did not comply with the Town Planning Board Guidelines No. 13D in that the proposed development was not compatible with the surrounding land uses with residential developments and active/fallow agricultural land and that no previous approval had been granted at the site; and
- (c) there was insufficient information in the submission to demonstrate that the proposed development would not generate adverse environmental and drainage impacts on the surrounding areas.

[The Chairman thanked Mr. Wilson Y.L. So, DPO/TMYL, and Mr. Anthony C.Y. Lee, STP/TMYL, for their attendance to answer Members' enquiries. Messrs. So and Lee left the meeting at this point.]

88. The meeting was adjourned for a short break at 4:25 p.m.

89. The meeting was resumed at 4:30 p.m.

Tai Po and North District

[Mr. W.K. Hui, District Planning Officer/Tai Po and North (DPO/TPN), was invited to the meeting at this point.]

Agenda Item 5

Section 16 Applications

[Open Meeting (Presentation and Question Sessions Only)]

- (i) A/NE-KTS/224 Temporary Open Storage of Private Cars
for a Period of 3 Years
in “Recreation” zone,
Lots 1011(Part), 1012(Part) and 2272(Part) in DD 92,
Hang Tau Road,
Kwu Tung South

(RNTPC Paper No. A/NE-KTS/224)

Presentation and Question Sessions

90. Mr. W.K. Hui, DPO/TPN, 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 private cars;
- (c) departmental comments – no adverse comments from concerned Government departments were received;
- (d) one local objection received from the District Officer raising objection on ground of disturbance to the living environment of the nearby residents and 39 public comments received during the publication period raising objections on grounds of law and order, environment and road safety aspects; and
- (e) the Planning Department’s views – Planning Department did not support the application for the reasons as stated in paragraph 12.2 of the Paper in that the proposed development was not in line with the planning intention of the “Recreation” zone and did not comply with the Town Planning Board Guidelines No. 13D as no previous planning approval had been given; and approval of the application would set an undesirable precedent.

91. Members had no question on the application.

Deliberation Session

92. In response to the Chairman's question, Mr. W.K. Hui said that there was no similar application for open storage of private car in the area. There was strong objection from the local residents living to the south of the application site.

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

- (a) the use under application was not in line with the planning intention of the "Recreation" zone which was primarily for recreational developments for the use of the general public. It encouraged the development of active and/or passive recreation and tourism/eco-tourism. No strong justifications had been provided in the submission for a departure from the planning intention, even on a temporary basis;
- (b) the proposed development did not comply with the Town Planning Board Guidelines No. 13D in that no previous approval had been granted to the application site; and
- (c) approval of this application would set an undesirable precedent for other similar applications. The cumulative effect of approving such similar applications would result in a general degradation of the environment of the area.

[Open Meeting (Presentation and Question Sessions Only)]

- (ii) A/NE-LYT/315 Proposed Temporary Open Storage of
Construction Materials for a Period of 18 Months
in “Agriculture” and “Residential (Group C)” zones,
Lots 731(Part), 745RP, 749, 750, 751A, 751RP, 752,
753RP, 754(Part), 757, 758, 759, 761, 764, 767, 775, 778
and 849 in DD 83 and Adjoining Government Land,
Lung Yeuk Tau,
Fanling

(RNTPC Paper No. A/NE-LYT/315)

Presentation and Question Sessions

94. Mr. W.K. Hui, DPO/TPN, presented the application and covered the following aspects as detailed in the Paper:

- (a) background to the application;
- (b) the proposed temporary open storage of construction materials;
- (c) departmental comments – the Director of Agriculture, Fisheries and Conservation did not favour the application as the application site had the potential for agricultural rehabilitation; the Commissioner for Transport (C for T) had reservation on the application as it would generate quite substantial amount of vehicular traffic; the Chief Town Planner/Urban Design and Landscape did not support the application as there was no landscape impact assessment to demonstrate its impact on surrounding landscape; and other Government departments had no objection to the application;
- (d) two local objections received from the District Officer and two public comments received during the publication period raising objections on traffic grounds; and

- (e) the Planning Department's views – Planning Department did not support the application for the reasons as stated in paragraph 12.2 of the Paper in that the proposed development did not comply with the Town Planning Board Guidelines No. 13D as no previous planning approval had been given; the C for T raised concerns on the possible traffic impacts; and approval of the application would set an undesirable precedent.

95. Members had no question on the application.

Deliberation Session

96. After deliberation, the Committee decided to reject the application and the reason was that the development under application did not comply with the Town Planning Board Guidelines for 'Application for Open Storage and Port Back-up Uses' in that no previous planning approval had been given to the application site and there were no technical assessments/proposals submitted to demonstrate that the development would not generate adverse traffic, drainage and environmental impacts on the surrounding areas.

[Open Meeting (Presentation and Question Sessions Only)]

- (iii) A/NE-KLH/345 Proposed House (New Territories Exempted House)
(NTEH) (Small House)
in "Agriculture" and "Village Type Development" zones,
Lot 858B1 in DD 9,
Yuen Leng Village,
Kau Lung Hang,
Tai Po

(RNTPC Paper No. A/NE-KLH/345)

Presentation and Question Sessions

97. Mr. W.K. Hui, DPO/TPN, presented the application and covered the following aspects as detailed in the Paper:

- (a) background to the application;
- (b) the proposed Small House development;
- (c) departmental comments – no adverse comments from concerned Government departments were received;
- (d) no public comments and no local objection were received; and
- (e) the Planning Department's views – Planning Department had no objection to the application for reasons given in paragraph 11.1 of the Paper.

98. Members had no question on the application.

Deliberation Session

99. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board. The permission should be valid until 23.12.2009, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

- (a) the submission and provision of drainage facilities to the satisfaction of the Director of Drainage Services or of the Town Planning Board;
- (b) the connection of the foul water drainage system to public sewers to the satisfaction of the Director of Water Supplies or of the Town Planning Board; and
- (c) the provision of protective measures to ensure no siltation occurred or no pollution to the water gathering grounds to the satisfaction of the Director of Water Supplies or of the Town Planning Board.

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

- (a) the actual construction of the proposed Small House should only begin after the completion of the public sewerage network; and
- (b) adequate space should be provided for the proposed Small House to be connected to the public sewerage network.

[Open Meeting (Presentation and Question Sessions Only)]

- (iv) A/NE-LT/348 Temporary Open Storage of Construction Machinery for a Period of 3 Years in “Agriculture” and ‘Road’ zones, Lots 620ARP, 620C to 620M and 627 in DD 8, Ma Po Mei Village, Lam Tsuen, Tai Po

(RNTPC Paper No. A/NE-LT/348)

Presentation and Question Sessions

101. Mr. W.K. Hui, DPO/TPN, presented the application and covered the following aspects as detailed in the Paper:

- (a) background to the application;
- (b) the proposed temporary open storage of construction machinery;
- (c) departmental comments – the Director of Agriculture, Fisheries and Conservation did not favour the application as there were active agricultural activities in the vicinity; the Chief Town Planner/Urban Design and Landscape did not support the application as the proposed development had made a significant adverse impact on the landscape character; the Director of Lands did not support the application as it was considered not acceptable under the lease; and other Government

departments had no objection to the application;

- (d) one local objection received from the District Officer and five public comments received during the publication period raising objections on traffic, environment, and ecological grounds; and
- (e) the Planning Department's views – Planning Department did not support the application for the reasons as stated in paragraph 12.2 of the Paper in that the proposed development was not in line with the planning intention of the “Agriculture” zone and did not comply with the Town Planning Board Guidelines No. 13D as no previous planning approval had been given; there was no information to demonstrate that the proposed development would not generate adverse environmental impacts; and approval of the application would set an undesirable precedent.

102. Members had no question on the application.

Deliberation Session

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

- (a) the application site fell within an area zoned “Agriculture” (“AGR”). The planning intention of the “AGR” zone was primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. It was also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. No strong justification had been provided for a departure from this planning intention, even on a temporary basis;
- (b) the development was not in compliance with Town Planning Board Guidelines for “Application for Open Storage and Port Back-up Uses” in that there was no previous planning approval granted to the application site and there was insufficient information in the submission to demonstrate

that the temporary open storage use would not generate adverse environmental impacts on the surrounding areas; and

- (c) the approval of the application would set an undesirable precedent for other similar applications in the area. The cumulative impacts of approving such applications would result in a general degradation of the environment and landscape quality of the area.

[Open Meeting (Presentation and Question Sessions Only)]

- (v) A/NE-LT/349 Proposed House (New Territories Exempted House)
(NTEH) (Small House)
in “Agriculture” and “Village Type Development” zones,
Lot 1535B in DD 8,
San Tong Village,
Lam Tsuen,
Tai Po

(RNTPC Paper No. A/NE-LT/349)

Presentation and Question Sessions

104. Mr. W.K. Hui, DPO/TPN, presented the application and covered the following aspects as detailed in the Paper:

- (a) background to the application;
- (b) the proposed Small House development;
- (c) departmental comments – no adverse comments from concerned Government departments were received;
- (d) no public comments and no local objection were received; and

- (e) the Planning Department's views – Planning Department did not support the application for the reasons as stated in paragraph 11.1 of the Paper in that it did not comply with the interim criteria for assessing planning application for Small House.

105. In referring to photo on Plan A-3, a Member asked whether the application site was surrounded by houses. In reply, Mr. W.K. Hui referred Members to Plan A-2 of the Paper and said that the photo was taken at the north-eastern corner of the application site. The areas to the south of the application site were predominantly rural in character with active and fallow agricultural land. There was only one village house to the farther south of the subject site.

Deliberation Session

106. The Chairman remarked that the application was not in compliance with the interim criteria for assessing planning application for Small House.

107. After deliberation, the Committee decided to reject the application and the reason was that the proposed NTEH/Small House development did not comply with the interim criteria for assessing planning application for NTEH/Small House development in that the majority of the application site was located outside the 'village environs' of San Tong Village and only 8% of the footprint of the proposed Small House fell within the "Village Type Development" zone.

[Open Meeting (Presentation and Question Sessions Only)]

- (vi) A/NE-LT/350 Proposed House (New Territories Exempted House)
(NTEH) (Small House)
in "Agriculture" and "Village Type Development" zones,
Lot 739J in DD 10,
Ng Tung Chai Village,
Lam Tsuen,
Tai Po

(RNTPC Paper No. A/NE-LT/350)

Presentation and Question Sessions

108. Mr. W.K. Hui, DPO/TPN, presented the application and covered the following aspects as detailed in the Paper:

- (a) background to the application;
- (b) the proposed Small House development;
- (c) departmental comments – the Director of Agriculture, Fisheries and Conservation (DAFC) did not favour the application as the application site was currently a vegetable farm and there were agricultural activities in the vicinity; and other Government departments had no objection to the application;
- (d) no public comments and no local objection were received; and
- (e) the Planning Department's views – Planning Department had no objection to the application for reasons given in paragraph 11.1 of the Paper in that the proposed development generally complied with the interim criteria for assessing planning application for Small House and other relevant Government departments had no adverse comments on the application.

109. Members had no question on the application.

Deliberation Session

110. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board. The permission should be valid until 23.12.2009, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

- (a) the submission and implementation of landscaping proposals to the satisfaction of the Director of Planning or of the Town Planning Board;
- (b) the submission and provision of drainage facilities to the satisfaction of the Director of Drainage Services or of the Town Planning Board;
- (c) the connection of the foul water drainage system to public sewers to the satisfaction of the Director of Water Supplies or of the Town Planning Board; and
- (d) the provision of protective measures to ensure no siltation occurred or no pollution to the water gathering grounds to the satisfaction of the Director of Water Supplies or of the Town Planning Board.

111. The Committee also agreed to advise the applicant of the following :

- (a) the actual construction of the proposed Small House should only begin after the completion of the public sewerage network;
- (b) adequate space should be provided for the proposed Small House to be connected to the public sewerage network;
- (c) appropriate measures should be taken to avoid affecting the nearby stream named Lam Tsuen River(Upper) which was listed as an Ecologically Important Stream under Environmental, Transport and Works Bureau Technical Circular (Works) No. 5/2005 during the construction of the house;
- (d) Director of Fire Services would request a plan for fire fighting access and water supplies to the area, should the aggregate number of NTEHs in the vicinity escalates to 10 or more; and
- (e) there was an 11kV overhead line and associated pole in the vicinity of the site. The applicant and his contractors should observe the “Code of

- (d) one local objection (jointly submitted by villagers and their representatives) received from the District Officer and one public comment received during the publication period raising objection to the application on ground of flooding risk; and
- (e) the Planning Department's views – Planning Department did not support the application for the reasons as stated in paragraph 11.1 of the Paper in that the proposed development would jeopardize the river improvement works at She Shan River; and it did not comply with the interim criteria for assessing planning application for Small House regarding the sewerage aspect.

113. Members had no question on the application.

Deliberation Session

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

- (a) the application site partly encroached upon the works limit for the proposed river improvement works at She Shan River under Drainage Services Department's "Drainage Improvement Works in Tai Po". The approval of the application would jeopardize the river improvement project; and
- (b) the proposed development did not comply with the interim criteria for assessing planning application for NTEH/Small House development in that the proposed development and the soakaway pit were not able to be connected to existing or planned sewerage system in the area. There was insufficient information in the submission to demonstrate that the proposed development located within the water gathering grounds would not cause adverse impact on the water quality in the area.

[Open Meeting (Presentation and Question Sessions Only)]

- (viii) A/NE-SSH/50 Proposed House (New Territories Exempted House)
(NTEH) (Small House)
in “Village Type Development” and “Recreation” zones,
Lot 1470B in DD 165,
Tseng Tau Village,
Sai Kung North
(RNTPC Paper No. A/NE-SSH/50)
-

Presentation and Question Sessions

115. Mr. W.K. Hui, DPO/TPN, presented the application and covered the following aspects as detailed in the Paper:

- (a) background to the application;
- (b) the proposed Small House development;
- (c) departmental comments – no adverse comments from concerned Government departments were received;
- (d) one public comment received during the publication period indicating support to the application; and
- (e) the Planning Department’s views – Planning Department had no objection to the application for reasons given in paragraph 11.1 of the Paper.

116. Members had no question on the application.

Deliberation Session

117. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the condition that the submission and implementation of drainage facilities to the satisfaction of

the Director of Drainage Services or of the TPB. The permission should be valid until 23.12.2009, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed.

118. The Committee also agreed to advise the applicant of the following :

- (a) the applicant might need to extend the inside services to the nearest government water mains for connection. The applicant should resolve any land matter (such as private lots) associated with the provision of water supply and should be responsible for the construction, operation and maintenance of the inside services within the private lots to Water Supplies Department's standards; and
- (b) water mains in the vicinity of the above site could not provide the standard fire fighting flow.

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

[Open Meeting (Presentation and Question Sessions Only)]

- (ix) A/NE-TK/198 Proposed Two Houses (New Territories Exempted Houses) (NTEHs) (Small Houses) in "Agriculture" and "Village Type Development" zones, Lots 35A and 35B in DD 23, Wai Ha Village, Ting Kok, Tai Po

(RNTPC Paper No. A/NE-TK/198)

Presentation and Question Sessions

119. Mr. W.K. Hui, DPO/TPN, presented the application and covered the following aspects as detailed in the Paper:

- (a) background to the applications;

- (b) the proposed two Small House development;
- (c) departmental comments – no adverse comments from concerned Government departments were received;
- (d) three public comments received during the publication period raising objection on grounds of fire safety and drainage; and
- (e) the Planning Department's views – Planning Department had no objection to the application for reasons given in paragraph 11.1 of the Paper. To address the public comments received during the publication period on fire safety and drainage aspects, approval conditions were recommended in paragraph 11.2(b) and (c) of the Paper.

120. Members had no question on the application.

Deliberation Session

121. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board. The permission should be valid until 23.12.2009, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

- (a) the submission and implementation of landscaping proposals to the satisfaction of the Director of Planning or of the Town Planning Board;
- (b) the provision of drainage facilities to the satisfaction of the Director of Drainage Services or of the Town Planning Board; and
- (c) the provision of a street fire hydrant within 100m from the application site to the satisfaction of the Director of Fire Services or of the Town Planning Board.

122. The Committee also agreed to advise the applicant of the following :

- (a) the applicant should assess the need to extend their inside services to the nearest Government water mains for connection, and to sort out the land matters related to the construction, operation and maintenance of the inside services within the private lots;
- (b) the applicant should note that water mains in the vicinity of the application site could not provide the standard fire-fighting flow; and
- (c) the applicant should consult the Environmental Protection Department regarding the sewage treatment/disposal method for the proposed development.

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

[Open Meeting (Presentation and Question Sessions Only)]

- (x) A/NE-TK/199 Proposed House (New Territories Exempted House)
(NTEH) (Small House)
in “Agriculture” and “Village Type Development” zones,
Lots 778D and 779A in DD 29,
Ting Kok Village,
Ting Kok,
Tai Po

(RNTPC Paper No. A/NE-TK/199)

Presentation and Question Sessions

123. Mr. W.K. Hui, DPO/TPN, presented the application and covered the following aspects as detailed in the Paper:

- (a) background to the application;

- (b) the proposed Small House development;
- (c) departmental comments – no adverse comments from concerned Government departments were received;
- (d) no public comments and no local objection were received; and
- (e) the Planning Department's views – Planning Department did not support the application for the reasons as stated in paragraph 12.1 of the Paper in that the proposed development did not comply with the interim criteria for assessing planning application for Small House.

124. Questions raised by the Members were :

- (a) Clarification was sought on the reasons for approving Applications No. A/NE-TK/142 and A/NE-TK/143; and
- (b) clarification was sought on the basis of drawing up the boundary of 'village environs' ('VE') and "Village Type Development" ("V") zone.

125. In reply, Mr. W.K. Hui made the following points :

- (a) Both the application sites for Applications No. A/NE-TK/142 and A/NE-TK/143 were within the "V" zone despite falling outside the 'VE'. The Lands Department would normally process this type of application although it did not entirely in line with their policy; and
- (b) The boundary of 'VE' was delineated by extending 300 feet from the last village house(s) erected in 1972 of a particular village. The corresponding "V" zone was drawn up taking into consideration of such factors as the boundary of 'VE', the topography and site constraints, the local land uses and the Small House demand. In this regard, a "V" zone did not necessarily coincide with the 'VE'. For the subject application, the "V" zone was larger than the 'VE' as the former had been enlarged to

- (e) the Planning Department's views – Planning Department did not support the application for the reasons as stated in paragraph 12.1 of the Paper in that the proposed development was not in line with the planning intention of the “Green Belt” zone and did not comply with the interim criteria for assessing planning application for Small House as no information had been provided to demonstrate that land was not available within the “Village Type Development” zone for Small House development.

128. Members had no question on the application.

Deliberation Session

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

- (a) the proposed NTEH (Small House) was not in line with the planning intention of the “Green Belt” (“GB”) zoning for the area which was primarily for defining the limits of urban and sub-urban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets and there was a general presumption against development within this zone. No strong justifications had been provided in the submission for a departure from the planning intention;
- (b) the proposed NTEH (Small House) did not comply with interim criteria for assessing planning applications for NTEH/Small House development in the New Territories in that although the application site was completely within the ‘village environs’, there was no general shortage of land in meeting the demand for Small House development in the “Village Type Development” zone; and
- (c) the approval of the application would set an undesirable precedent for similar developments within the “GB” zone. The cumulative effect of approving such applications would result in a general degradation of the

both the 'village environs' and the "Village Type Development" zone; and approval of the application would set an undesirable precedent.

131. Members had no question on the application.

Deliberation Session

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

- (a) the proposed NTEH (Small House) was not in line with the planning intention of the "Green Belt" ("GB") zoning for the area which was primarily for defining the limits of urban and sub-urban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets and there was a general presumption against development within this zone. No strong justifications had been provided in the submission for a departure from the planning intention;
- (b) the proposed NTEH (Small House) development did not comply with the interim criteria for assessing planning applications for NTEH/Small House development in the New Territories in that the proposed development was located outside both the 'village environs' and the "Village Type Development" zone; and
- (c) the approval of the application would set an undesirable precedent for similar developments within the "GB" zone. The cumulative effect of approving such applications would result in a general degradation of the natural environment.

135. The application was submitted by the Dragon (Hong Kong) Ltd., a subsidiary of Sino Land Co. Ltd. (Sino). Mr. Francis Y.T. Lui declared interest in this item as he had current business dealings with Sino. Members noted that Mr. Lui had tendered his apology for being unable to attend the meeting.

Presentation and Question Sessions

136. Mr. W.K. Hui, DPO/TPN, presented the application and covered the following aspects as detailed in the Paper:

- (a) background to the application;
- (b) the proposed residential development and minor relaxation of number of storeys;
- (c) departmental comments – the Director of Building considered that further justifications were required for the acceptance of the proposed 9m-high communal Sky Garden; the Chief Town Planner/Urban Design and Landscape, Planning Department, had reservation on the proposed communal Sky Garden as it represented about 34% increase in overall height; and other Government departments had no objection to the application;
- (d) two local objections received from the District Officer and ten public comments received during the publication period raising objections on grounds of visual, landscape, traffic and environmental aspects. An objection letter from the management office representing the adjoining residential development including 75 standard letters raising objections to the application on similar grounds were also received. However, as the latter were received after the 3-week publication period, they would not be submitted to the Committee for consideration; and
- (e) the Planning Department's views – Planning Department did not support

- (a) background to the application;
- (b) the proposed Government refuse collection point and associated underground cesspool;
- (c) departmental comments – no adverse comments from concerned Government departments were received;
- (d) no public comments and no local objection were received; and
- (e) the Planning Department's views – Planning Department had no objection to the application for the reasons as stated in paragraph 10.1 of the Paper.

141. Members had no question on the application.

Deliberation Session

142. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the condition that the submission and implementation of landscaping proposals to the satisfaction of the Director of Planning or of the TPB. The permission should be valid until 23.12.2009, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed.

143. The Committee also agreed to advise the applicant of the following :

- (a) the applicant should observe the “Code of Practice on Working near Electricity Supply Lines” established under the Electricity Supply Lines (Protection) Regulation when carrying out any works in the vicinity of the underground electricity cables; and
- (b) the applicant needed to extend his 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 the Water Supplies Department's standards.

[Open Meeting (Presentation and Question Sessions Only)]

- (xvi) A/NE-LT/249-1 Application for Minor Amendment – Change in Building Blocks (Minor Changes in Disposition of Building Blocks) in “Agriculture” zone,
Lots 567LRP(Part), 568A1(Part), 568A2, 568A3RP, 568A4B, 568A4C, 568A4RP, 568B1, 568B2B, 568B2RP, 568B3B, 568B3RP and 568B4RP in DD 8,
Sha Pa Village,
Lam Tsuen,
Tai Po

(RNTPC Paper No. A/NE-LT/249-1)

Presentation and Question Sessions

144. Mr. W.K. Hui, DPO/TPN, presented the application and covered the following aspects as detailed in the Paper:

- (a) background to the application;
- (b) the proposed amendment to an approved scheme under Application No. A/NE-LT/249;
- (c) departmental comments – the Director of Environmental Protection did not support the application on sewage ground; the Director of Agriculture, Fisheries and Conservation (DAFC) did not favour the application as the application site was classified as good quality agricultural land; the Chief Town Planner/Urban Design and Landscape, Planning Department, had strong reservation on this application as it would probably affect most of

the trees on site; and other Government departments had no objection to the application;

- (d) no local objection was received; and
- (e) the Planning Department's views – Planning Department had no objection to the application for the reasons as stated in paragraphs 7.1 and 7.2 of the Paper in that there was no change in planning circumstances since the planning permission was given in 2001; and the revised scheme was in line with the Small House applications being processed by the Lands Department.

145. Members had no question on the application.

Deliberation Session

146. The Chairman remarked that the applicant was proposing a minor change in disposition of building blocks as a result of an amendment to the site boundary.

147. Mr. H.M. Wong advised that the Environmental Protection Department's previous view of not supporting the whole scheme remained valid for the subject application for minor amendment as the application site was located within the water gathering ground (WGG). The Chairman noted that the original planning permission was granted in 2001 under the previous criteria for assessing planning application for Small House development. Since then, in the light of increasing concern on the water quality of the Lam Tsuen WGG, the assessment criteria was tightened on 23.8.2002. The Committee would normally respect planning permission given before the prevailing Criteria.

148. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board. The permission should be valid until 1.6.2007, 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 drainage facilities to the satisfaction of the Director of Drainage Services or of the Town Planning Board;
- (b) the disposal of spoils during site formation and construction period to the satisfaction of the Director of Water Supplies or of the Town Planning Board;
- (c) the provision of septic tank and soakaway pit for foul effluent disposal and the sewerage connection at a distance of not less than 30m from any watercourses to the satisfaction of the Director of Water Supplies or of the Town Planning Board;
- (d) the submission and implementation of fire services installations to the satisfaction of the Director of Fire Services or of the Town Planning Board; and
- (e) the submission and implementation of landscaping proposals, including a tree preservation plan, to the satisfaction of the Director of Planning or of the Town Planning Board.

149. The Committee also agreed to advise the applicant of the following :

- (a) the application site fell within the boundary of the Sha Pa Archaeological Site which was identified and recorded by the Antiquities and Monuments Office (AMO) of Leisure and Cultural Services Department and that salvage excavation would need to be conducted to retrieve the affected archaeological materials prior to any construction works on the application site and to consult AMO on the necessary arrangement;
- (b) the proposed houses are located near the Upper Lam Tsuen River, which was an Ecologically Important Stream under Environment, Transport and Works Bureau Technical Circular (Works) No. 5/2005 and appropriate measures should be taken to avoid affecting the stream during the construction of the houses;

- (c) for the development of a Small House, a concessionary grant from the Land Authority under the Small House Policy would be required and that such grant would only be given to indigenous villagers;
- (d) the site was in an area where no public sewerage connection was available;
and
- (e) the applicants were requested to provide the programme and details of the Small House development for the Chief Engineer/Consultants Management, Drainage Services Department's reference.

[The Chairman thanked Mr. W.K. Hui, DPO/TPN, for his attendance to answer Members' enquiries. Mr. Hui left the meeting at this point.]

Sai Kung and Sha Tin District

[Mr. Michael C.F. Chan, District Planning Officer/Sai Kung and Sha Tin (DPO/SK&ST), and Ms. Sally S.Y. Fong, Senior Town Planner/Sai Kung and Sha Tin (STP/SK&ST), were invited to the meeting at this point.]

Agenda Item 6

Section 16 Applications

[Open Meeting (Presentation and Question Sessions Only)]

- (i) A/SK-CWBN/3 Temporary Warehouse and Office
(including Storage Uses) for a Period of 3 Years
in "Comprehensive Development Area (2)" zone,
Lots 214RP, 220A and 220B in DD 229,
TV City,
Clear Water Bay,
Sai Kung

 (RNTPC Paper No. A/SK-CWBN/3)

Presentation and Question Sessions

150. Mr. Michael C.F. Chan, DPO/SK&ST, presented the application and covered the following aspects as detailed in the Paper:

- (a) background to the application;
- (b) the proposed temporary warehouse and office (including storage) use;
- (c) departmental comments – the Director of Environmental Protection expressed concern on the potential traffic noise and emission impacts generated by heavy vehicles; the Commissioner for Transport had reservation on the application as the additional heavy traffic would adversely affect the traffic conditions at Clear Water Bay Road and the existing provision of parking and loading/unloading facilities was inadequate to meet the proposed change of use; and other Government departments had no objection to the application;
- (d) no public comments and no local objection were received; and
- (e) the Planning Department's views – Planning Department did not support the application for the reasons as stated in paragraph 11.1 of the Paper in that the proposed development was not compatible with the surrounding land uses; it would attract heavy vehicles thereby generating noise and environmental nuisances; and there were inadequate parking and loading/unloading facilities to meet the proposed change of use.

151. In response to the Chairman's question, Mr. Michael Chan said that there was a redevelopment plan for the whole site, but the applicant would like to utilize part of the site for temporary use before redevelopment took place.

Deliberation Session

152. The Chairman remarked that the area along Clear Water Bay Road was a quiet neighbourhood and might not be suitable for the proposed warehouse and office (including storage) use.

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

- (a) the proposed temporary warehouse and office uses (including storage) within the application site, in terms of its nature, was not compatible with the surrounding areas which was predominantly sub-urban in character mixed with some residential and educational developments;
- (b) the proposed warehouse use would attract heavy vehicular trips generating noise and environmental nuisances to the residential and educational developments in the surroundings; and
- (c) there was insufficient information in the submission to demonstrate that the provision of car parking and loading/unloading facilities would be adequate. Moreover, the proposed development would have adverse traffic impact on the local road network and no traffic impact assessment had been submitted to demonstrate that the local road network could accommodate the additional traffic generated by the proposed development.

[Open Meeting (Presentation and Question Sessions Only)]

- (ii) A/SK-CWBS/1 House Redevelopment
in “Village Type Development” zone,
Lot 216 in DD 235,
Sheung Sze Wan Road,
Clear Water Bay,
Sai Kung

(RNTPC Paper No. A/SK-CWBS/1)

Presentation and Question Sessions

154. Mr. Michael C.F. Chan, DPO/SK&ST, presented the application and covered the following aspects as detailed in the Paper:

- (a) background to the application;
- (b) the proposed house redevelopment;
- (c) departmental comments – no adverse comments from concerned Government departments were received;
- (d) no public comments and no local objection were received; and
- (e) the Planning Department's views – Planning Department had no objection to the application for the reasons as stated in paragraph 11.1 of the Paper in that the proposed revisions to the redevelopment proposal were mainly to meet the minimum floor-to-ceiling height requirement stipulated under the Building (Planning) Regulation.

155. Members had no question on the application.

Deliberation Session

156. The Chairman remarked that the amendments involved were mainly technical in nature.

157. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board. The permission should be valid until 23.12.2009, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

- (a) the submission and implementation of tree felling, tree preservation and tree replanting proposals to the satisfaction of the Director of Planning or of the Town Planning Board;
- (b) the submission of new boundary wall design of the proposed development to the satisfaction of the Director of Planning or of the Town Planning Board; and
- (c) the design and provision of an emergency vehicular access, water supply for fire fighting and fire services installations to the satisfaction of the Director of Fire Services or of the Town Planning Board.

158. The Committee also agreed to advise the applicant of the following :

- (a) to liaise with the Director of Lands regarding the submission of the detailed building plans of the redevelopment proposal for approval under the lease;
- (b) to liaise with the Director of Lands regarding the tree transplanting/felling proposal; and
- (c) to consult the Director of Water Supplies regarding any necessary extension of the applicant's own services to the nearest Government water mains for the provision of water supply to the proposed development.

[Mr. Tony C.N. Kan and Miss Cindy Law left the meeting temporarily at this point.]

[Open Meeting (Presentation and Question Sessions Only)]

- (iii) A/SK-HH/36 Temporary Showroom (Ship) and Office,
Open Storage of Ship, Steel Frame for Sign Board,
Store Room for a Period of 3 Years
in “Green Belt” zone,
Ground Floor of House 38
and Adjoining Government Land,
Tai Chung Hau Village,
Sai Kung

(RNTPC Paper No. A/SK-HH/36)

Presentation and Question Sessions

159. Mr. Michael C.F. Chan, DPO/SK&ST, presented the application and covered the following aspects as detailed in the Paper:

- (a) background to the application;
- (b) the proposed temporary showroom (ship) and office, open storage of ship, steel frame for signboard and storeroom. The applicant submitted a set of further information (FI) on 22.12.2005 clarifying the dimension of the storeroom. The Secretary had exempted the FI from the publication and recounting requirements. The FI was tabled at the meeting for Members’ consideration;
- (c) departmental comments – no adverse comments from concerned Government departments were received;
- (d) one public comment received during the publication period raising objection on grounds of safety, glare and environmental hygiene aspects; and
- (e) the Planning Department’s views – Planning Department did not support the application for the reasons as stated in paragraph 12.1 of the Paper in

that the proposed development was not compatible with the surrounding developments; and there was no information to demonstrate that the proposed signboard and ship display would not cause any nuisance to the neighbourhood.

160. Members had no question on the application.

Deliberation Session

161. In response to a Member's question, Mr. Michael Chan said that the area in front of the shop being occupied by a motorboat as indicated on Plan A-4 of the Paper was Government land. The Lands Department had taken lease enforcement action against the unauthorized use.

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

- (a) the proposed temporary office and showroom were not compatible with the surrounding developments, which were primarily for residential use; and
- (b) no information had been provided in the submission to demonstrate that the proposed signboard and ship display in front of the house would not cause any nuisance to the neighbourhood.

[Mr. Tony C.N. Kan and Miss Cindy Law returned to the meeting at this point.]

[Open Meeting (Presentation and Question Sessions Only)]

- (iv) A/SK-TMT/10 Proposed Private Swimming Pool for a House in "Green Belt" and "Residential (Group C)1" zones, STT SX 3292 and Adjoining Lot 167 in DD 258, Sai Kung

(RNTPC Paper No. A/SK-TMT/10)

Presentation and Question Sessions

163. Mr. Michael C.F. Chan, DPO/SK&ST, presented the application and covered the following aspects as detailed in the Paper:

- (a) background to the application;
- (b) the proposed private swimming pool for a house;
- (c) departmental comments – no adverse comments from concerned Government departments were received;
- (d) no public comments and no local objection were received; and
- (e) the Planning Department's views – Planning Department had no objection to the application for the reasons as stated in paragraph 12.1 of the Paper.

164. Members had no question on the application.

Deliberation Session

165. A Member recalled that the Committee had rejected a similar application within a "Green Belt" ("GB") zone before. In response, the Secretary drew Members' attention to paragraph 5 of the Paper. The application site was originally zoned "Conservation Area" ("CA") on the subject Outline Zoning Plan. The applicant lodged an objection against the "CA" zoning. Noting that the site was under a Short Term Tenancy (STT) and was used as a landscape garden, basketball court and road access, the Board agreed to partially meet the objection by rezoning the site held under STT from "CA" to "GB". The Chairman added that given this planning history and the fact that the application site had been leased to the applicant under STT since 1986, the subject case might have given different consideration compared with other applications for building swimming pools in "GB" zones.

166. The Chairman asked whether the applicant would apply to the Lands Department (LandsD) for a land grant if planning permission was given on a permanent basis. Mr.

Francis Ng advised that the area held under the STT was much larger than the private land owned by the applicant. The LandsD would normally not grant land to the applicant in such circumstances. Since the existing STT did not cover the swimming pool, the applicant would need to apply to the LandsD for a new STT. The LandsD might terminate the STT if the swimming pool was found to be unacceptable.

167. Given the planning history of the application site and there were no departmental or local objections, Members considered that the proposed swimming pool could be approved on a permanent basis to avoid subsequent renewal applications.

168. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the condition that the submission and implementation of tree preservation proposal to the satisfaction of the Director of Planning or of the TPB. The permission should be valid until 23.12.2009, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed.

169. The Committee also agreed to advise the applicant of the following :

- (a) to liaise with the District Lands Officer/Sai Kung to apply for a short term tenancy to cover the proposed swimming pool;
- (b) to liaise with Director of Environmental Protection to obtain a discharge licence under the Water Pollution Control Ordinance prior to discharging any water from the future swimming pool;
- (c) to liaise with Chief Engineer/Mainland South, Drainage Services Department to ensure that discharge from the swimming pool would not overload any existing drainage facilities down stream of the application site; and
- (d) to liaise with Head of Geotechnical Engineering Office, Civil Engineering and Development Department and Chief Highway Engineer/New Territories East, Highways Department to design and construct the

[Open Meeting (Presentation and Question Sessions Only)]

- (vi) A/ST-KYS/8 Proposed Extension of Television Transmitting Station in “Green Belt” zone, Government Land Adjoining the Temple Hill (Tsz Wan Shan) Television Transmitting Station, Sha Tin
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- (RNTPC Paper No. A/ST-KYS/8)

Presentation and Question Sessions

172. Mr. Michael C.F. Chan, DPO/SK&ST, presented the application and covered the following aspects as detailed in the Paper:

- (a) background to the application;
- (b) the proposed extension of television transmitting station;
- (c) departmental comments – no adverse comments from concerned Government departments were received;
- (d) no public comment received during the publication period whilst one local objection received from the District Officer was raised on visual and tree felling grounds; and
- (e) the Planning Department’s views – Planning Department had no objection to the application for the reasons as stated in paragraph 11.1 of the Paper.

173. Members had no question on the application.

Deliberation Session

174. The Chairman said that when considering a similar application submitted by the same applicant earlier in the morning, Members of the Metro Planning Committee (MPC) raised concerns on the landscape and visual impacts of a similar proposed extension of

television transmitting station in the “Green Belt” zone. After discussion, the MPC decided to defer the consideration of the application pending the submission of further landscape and visual assessments from the applicant.

175. Members agreed that the subject application should also be assessed on similar considerations and consideration of the application could be deferred pending the submission of further information from the applicant.

176. After deliberation, the Committee decided to defer a decision on the application pending the submission of further information to address the possible landscape and visual impacts of the proposed development. 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.

[Open Meeting (Presentation and Question Sessions Only)]

A/MOS/61-1 Application for Minor Amendment to
an Approved Comprehensive Residential Development with
Commercial and Government, Institution or Community Facilities
in “Comprehensive Development Area (1)” zone,
Various Lots in DD 206 and Adjoining Government Land,
Area near Lok Wo Sha,
Ma On Shan

(RNTPC Paper No. A/MOS/61-1)

Presentation and Question Sessions

177. The Committee noted that the applicant requested on 19.12.2005 for a deferment of the consideration of the application to allow time to address the concerns of the Transport Department.

Deliberation Session

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