

**TOWN PLANNING BOARD**

**Minutes of 357th Meeting of the  
Rural and New Town Planning Committee held at 2:30 p.m. on 14.9.2007**

**Present**

Director of Planning  
Mrs. Ava S.Y. Ng

Chairperson

Mr. Michael K.C. Lai

Vice-chairman

Ms. Carmen K.M. Chan

Professor Nora F.Y. Tam

Mr. David W.M. Chan

Professor Peter R. Hills

Mr. Tony C.N. Kan

Dr. C.N. Ng

Mr. B.W. Chan

Mr. Y.K. Cheng

Dr. James C.W. Lau

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

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

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

Secretary

**Absent with Apologies**

Dr. Lily Chiang

Professor David Dudgeon

Mr. Alfred Donald Yap

Mr. Edmund K.H. Leung

Ms. Anna S.Y. Kwong

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

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

**In Attendance**

Assistant Director of Planning/Board  
Mr. Lau Sing

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

Town Planner/Town Planning Board  
Miss Rowena M.F. Lee

**Agenda Item 1**

Confirmation of the Draft Minutes of the 356th RNTPC Meeting held on 24.8.2007

[Open Meeting]

1. The draft minutes of the 356th RNTPC meeting held on 24.8.2007 were confirmed without amendments.

**Agenda Item 2**

Matters Arising

[Open Meeting]

- (a) Judicial Review Application relating to the  
Draft Sai Ying Pun & Sheung Wan Outline Zoning Plan

2. The Secretary reported that on 10.9.2007, Heritage Hong Kong Limited lodged to the Court of First Instance (CFI) an application for leave to apply for judicial review (JR) in respect of the Town Planning Board's decisions relating to the draft Sai Ying Pun and Sheung Wan OZP No. S/H3/21 made on 25.8.2006 and 6.7.2007. Leave to apply for JR has not yet been granted by the CFI. The Secretary would represent the Board on all matters relating to the JR in the usual manner and would submit a paper to the Board to discuss the case in more detail soon.

[Messrs Y.K. Cheng and Elvis W.K. Au arrived to join the meeting at this point.]

- (b) New Town Planning Appeal Decisions Received

3. The Secretary informed the Committee the following appeal decisions.
  - (i) Town Planning Appeal No. 1 of 2005  
Temporary Container Tractor/Trailer Park for a Period of Three Years  
in "Comprehensive Development Area (3)" Zone,  
Lot 1212ARP(Part) in DD 115 and Adjoining Government Land,  
Chung Yip Road, Nam Sang Wai, Yuen Long  
(Application No. A/YL-NSW/147)

- (ii) Town Planning Appeal No. 2 of 2005  
Temporary Private Car Park for a Period of Three Years  
in “Comprehensive Development Area (3)” Zone,  
Lot 1212ARP(Part) in DD 115,  
Chung Yip Road, Nam Sang Wai, Yuen Long  
(Application No. A/YL-NSW/148)

4. The Secretary reported that the two captioned appeals were against the TPB’s decisions to reject on review two applications for a temporary container tractor/trailer park (No. A/YL-NSW/147) and a temporary private car park (No. A/YL-NSW/148), both for a period of 3 years at sites zoned “Comprehensive Development Area (3)” (“CDA(3)”) zone on the draft Nam Sang Wai OZP No. S/YL-NSW/5. The appeals were heard together by the Town Planning Appeal Board (TPAB) on 22.5.2007. On 31.7.2007, the TPAB allowed Appeal No. 1/05 for the parking of lorries and container vehicles and Appeal No. 2/05 for the parking of private car or light vehicles not exceeding 5MT, both for a shorter period of 2 years with conditions, mainly on the following grounds:

- (a) there would unlikely be any real or significant improvement on wetland restoration in the area for the next 2 years and hence allowing the proposed uses would not have any or any long-term impact on the planning intention of the current “Other Specified Uses” annotated “Comprehensive Development to include Wetland Restoration Area” zoning of the subject sites;
- (b) if the vehicles were not parked at the subject sites, they would probably be parking at other nearby car parks in the area. The resulting amount of traffic, and hence traffic noise, would more or less be the same. The concerns on the drainage and visual impacts of the proposed uses could be addressed by imposing suitable conditions;
- (c) the requirement of ecological impact assessment for temporary use within the Wetland Buffer Area was exempted under the TPB Guidelines No. 12B for “Application for Developments within Deep Bay Area under section 16 of the Town Planning Ordinance”, although it did not mean that the TPB should not consider any ecological impact of the proposed uses;

- (d) for Appeal No. 1/05, there were previous planning approvals for port back-up uses at the site, the local views were mixed and there were no real adverse departmental comments, other than that of the Director of Environmental Protection and Director of Planning;
  - (e) there must be a reasonable demand for parking spaces in the area as the subject sites had been used for vehicle parking since 1996; and
  - (f) there should be a realistic chance that the conditions imposed would be complied with having regard to the length of the permission period and the length of time allowed for satisfying the conditions.
- (iii) Town Planning Appeal No. 12 of 2005  
Proposed House Development in “Green Belt” zone  
Various Lots and Adjoining Government Land in DD 233,  
Ha Yeung, Sai Kung  
(Application No. A/DPA/SK-CWBS/4)

5. The appeal was lodged by the Appellant on 2.7.2005 against the TPB’s decision to reject the application upon review for a proposed development of 5 houses of two storeys on a site zoned “Green Belt” (“GB”) on the approved Clear Water Bay Peninsula South Outline Zoning Plan (OZP) No. S/SK-CWBS/2.

6. The appeal was heard by the TPAB on 29.1.2007, 30.1.2007 and 6.3.2007. On 30.7.2007, the appeal was allowed by the TPAB with conditions mainly on the following grounds:

- (a) the proposed development would be a great improvement of the environment as a whole. Having regard to the fact that the whole of the said land was surrounded by area of the “Conservation Area” (“CA”) zone which was not built on, there was not much chance of any spreading of any urban or sub-urban development because of the proposed development;
- (b) the size of the development, the height of the proposed buildings and the

landscape proposals were such that it would unlikely bring about any reasonable complaints from any of the nearby residents, and the aesthetic harmony in the rural outlook of the whole area to the south-west of Clear Water Bay Road was not in any way affected by the proposed development. The provision of more vegetation in the proposed development could improve the position;

- (c) the planning intention of the “GB” zone was not lost by allowing the proposed development and the proposed development would be more conducive to achieving the goal of the “GB” zoning. The said land, although zoned for “GB” use, was at all times since the introduction of the first DPA plan, neither covered by natural vegetation or any other natural features, and it could not serve the purpose of separating the Ha Yeung New Village zoned “V” from land zoned for “CA” purposes. Although there was a general presumption against development as set out in the planning intention of the “GB” zone, house development was a column 2 use and permission would be allowed if considered appropriate;
- (d) the ‘existing use’ of the land as car park accommodating about 100 private cars and goods vehicles would inevitably generate more traffic than a housing estate of 5 houses with only 10 car parking spaces. The number of heavy goods vehicles using the road would be very much reduced and in fact the volume of traffic as a whole should be substantially reduced. Although the proposed access arrangement had not met the standard and requirements to the expectation of the Transport Department, what was proposed in the proposed development would be an improvement over the current position of the site as a car park; and
- (e) approving the proposed development would not set an undesirable precedent. Every application for planning permission must be considered in the light of its own facts. The cumulative traffic impacts should not be a ground for withholding giving planning permission for the proposed development as no other site was having the same ‘existing use’ of car park or open storage and it was wholly uncertain as to whether there was going to be any application for housing development on land zoned “GB” in the

nearby areas. If any future development would cause any real traffic problem, the Planning Department and Transport Department could raise objection to those future applications based on the traffic grounds.

(c) Appeal Statistics

7. As at 13.9.2007, 17 cases are yet to be heard by the TPAB. Details of the appeal statistics are as follows:

Allowed	:	20
Dismissed	:	100
Abandoned/Withdrawn/Invalid	:	124
Yet to be Heard	:	17
Decision Outstanding	:	6
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Total	:	267

8. The Chairperson said that the MPC Members had raised concerns in the morning on the implications of the TPAB's decision on the Ha Yeung Case. A paper would be prepared by the secretariat for submission to the TPB for discussion in due course.

**Sai Kung and Islands District**

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

**Agenda Item 3**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/SK-TMT/15            Proposed House  
                              (New Territories Exempted House (NTEH) - Small House)  
                              in “Green Belt” zone,  
                              Lots 19A and 220A in DD 252, Tso Wo Hang, Sai Kung  
                              (RNTPC Paper No. A/SK-TMT/15)

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**Presentation and Question Sessions**

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

- (a)    background to the application;
- (b)    the proposed house;
- (c)    departmental comments – the Director of Agriculture, Fisheries and Conservation (DAFC) had reservation on the application which was located within a piece of native woodland and the development of which would result in felling of existing trees and loss of woodland. The Assistant Commissioner for Transport/New Territories did not support the application as it would set an undesirable precedent for other similar applications in “Green Belt” (“GB”) zone, of which the traffic impacts had not been assessed. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L) raised strong objection from landscape planning point of view as the site was in an area of regenerating semi-natural woodland, which was a very important landscape resource contiguous to the wooded slopes of the Sai Kung West Country Park and formed part of the attractive rural setting of the village. There was evidence of some tree felling in the area between the site and the village. The proposed development would result in loss of trees and other significant vegetation and would also encourage similar developments in

this wooded area, which would have serious implications on the quality of the landscape through the extension of the village boundary at the expense of the woodland.

- (d) three public were received during the statutory publication period objecting to the proposed development on grounds of not being in line with planning intention of “GB” zone, adverse impacts on the natural woodland and character of the area, setting of an undesirable precedent and sufficient land in the “V” zone for NTEH development; and
  
- (e) the Planning Department (PlanD)’s views – PlanD did not support the application for reasons as detailed in paragraph 12.1 of the paper. The application site and its adjoining area were rural in character with attractive woodland. Development of the site would result in loss of a number of trees and other significant vegetation and would have adverse impact on the existing landscape character of the area. The proposed development was not in line with the planning intention of the “GB” zone. There was a presumption against development within this zone. There were no exceptional circumstances or planning merits to merit a departure from the planning intention. DAFC and CTP/UD&L had reservation and raised strong objections respectively. Also, the application did not comply with the Interim Criteria for Consideration of Application for New Territories Exempted House/Small House in New Territories (the Interim Criteria) in that sufficient land was reserved in the “Village Type Development” zone in the area to meet the Small House Demand of Tso Wo Hang Village. The approval of the application would set an undesirable precedent for other similar applications within the “GB” zone, resulting in cumulative impacts and creating adverse landscape and traffic impacts in the area.

10. Members had no question on the application.

#### Deliberation Session

11. Members considered that the application was incompatible with the surrounding

natural environment and did not meet the Interim Criteria.

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 “Green Belt” (“GB”) zone, which was primarily for defining the limits of urban and sub-urban development areas by natural features and to contain urban sprawl. There was a presumption against development within this zone. There were no exceptional circumstances or planning merits to merit a departure from the planning intention;
- (b) the application did not comply with the Interim Criteria for Consideration of Application for New Territories Exempted House/Small House in New Territories in that sufficient land was reserved in the “Village Type Development” zone in the area to meet the Small House Demand of Tso Wo Hang Village; and
- (c) the approval of the application would set an undesirable precedent for other similar applications within the “GB” zone. The cumulative impacts of approving such application would result in encroachment of the “GB” zone by developments and create adverse landscape and traffic impacts in the area.

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

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

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

**Agenda Item 4**

**Section 12A Application**

[Open Meeting (Presentation and Question Sessions only)]

Y/MOS/2                      Application for Amendment to the  
Approved Ma On Shan Outline Zoning Plan No. S/MOS/13  
from “Open Space” to “Village Type Development”,  
Lots 146A(Part), 146B(Part) and 147A1(Part) in DD 167,  
Cheung Muk Tau, Ma On Shan  
(RNTPC Paper No. Y/MOS/2)

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**Presentation and Question Sessions**

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

Mr. W.K. Hui	-	District Planning Officer/Shan Tin, Tai Po and North (DPO/STN)
Dr. Kenneth S.S. Tang	-	Senior Town Planner/STN (STP/STN)

14.            The following applicants’ representatives were invited to the meeting at this point :

Mr. Kim-on Chan	}	Vision Planning Consultants Limited
Miss Canetti Yu	}	

15.            The Chairperson extended a welcome and explained the procedures of the hearing. The Chairperson then invited Dr. Kenneth S.S. Tang to brief Members on the background to the application.

16.            Dr. Kenneth S.S. Tang presented the application as detailed in the Paper and

made the following main points :

- (a) the application was for amendment of the application site on the Approved Ma On Shan Outline Zoning Plan (OZP) from “Open Space” (“O”) to “Village Type Development” (“V”) zone. The applicant intended to develop two three-storey Small Houses on the site;
- (b) the departmental comments as set out in paragraph 6 of the Paper highlighting that the Assistant Commissioner for Transport/New Territories (AC for T/NT) had reservation as Small House development should be confined within the “V” zone as far as possible where the necessary traffic and transport facilities had been planned and provided. Although traffic associated with the proposed development was not expected to be significant, such development if permitted would set an undesirable precedent case for similar applications in the future. The resulting cumulative adverse traffic impact could be substantial. The Director of Environmental Protection (DEP) did not support the application due to potential traffic noise problem as no substantiation/quantification of the road traffic noise had been submitted to support the rezoning application. Although there were noise barriers along Sai Sha Road, there was a likelihood that the upper floors of the proposed Small Houses would still be affected by traffic noise from the road. The Chief Town Planner/Urban Design and Landscape had reservation on the application. The “O” zone, although elongated, could provide adequate width for passive recreational uses including leisure walk. However, the application site situated in the middle of the “O” zone would dominate and affect the integrity of the planned “O” zone and reduced the width of a pleasant walkway thereby affecting the users’ experience;
- (c) nine public comments were received during the statutory publication period objecting to the proposed development on grounds of taking up insufficient open space, adversely affecting the tranquillity and landscape, air ventilation and road safety of the area. The Chairman of the Owners’ Committee of Villa Rhapsody and the Sai Kung North Rural Committee

raised objection to the application and pointed out that open space should be maintained for recreational purposes; and

- (d) PlanD did not support the application for reasons as detailed in paragraph 9.1 of the Paper. The “O” zone running from the southwest of Cheung Muk Tau Village to the northeast of Villa Rhapsody of Symphony Bay was conveniently located for the enjoyment of the residents. It also served as a visual and environmental buffer separating Sai Sha Road to its north and the village and residential development to its south. Approval of the rezoning application would reduce the usable area of the “O” zone and in turn dwindle its buffer effect. The proposed Small Houses would disrupt the continuity of the “O” zone, obstruct the views and walking path of the users which would, in effect, make the “O” zone less inviting and adversely affecting the future design of the open space. There was sufficient land in the “V” zone to meet the Small House demand. There was insufficient information to demonstrate that the proposed development would not be subject to adverse traffic noise impact from Sai Sha Road. The approval of the rezoning proposal would set an undesirable precedent for other similar rezoning proposals in the area. There were also strong local and public objections.

17. The Chairperson then invited the applicants’ representatives to elaborate on their justifications for the application.

18. With the aid of a powerpoint presentation, Mr. Chan Kim-on made the following main points :

- (a) the application site fell within the village ‘environs’ (‘VE’) of Cheung Muk Tau and was the only piece of land owned by the applicants. The applicants were in their old age and they hoped to build a Small House for living. Sympathetic consideration should be given by the Committee. About 30% of the site was zoned “V” and the remaining part was zoned “O”. To address the concern on reduction of land for open space purpose, the applicants were willing to reduce the size of the Small House from

63.05m<sup>2</sup> to 60m<sup>2</sup> and 60.7m<sup>2</sup> respectively. The Small Houses would therefore take up only 57m<sup>2</sup> of the “O” zone and would have negligible impact on the open space provision in Ma On Shan. The Director of Leisure and Cultural Services had no objection in this regard. The remaining area within the application site would be landscaped and provide a pleasant walking environment along Nin Fung Road;

- (b) the applicants were indigenous villagers of Tap Mun and applied for cross-village Small House applications due to severe shortage of land in Tap Mun. About 20 such cross-village Small House applications had been processed by the District Lands Officer/Tai Po (DLO/TP). The supply of land for development of Small Houses in Cheung Muk Tau “V” zone could just meet the demand of that village. After including the demand for cross-village Small House applications, land in the “V” zone would be insufficient to meet the total Small House demand. There was a need for rezoning land to “V”;
- (c) the application would have negligible impact on the open space provision because the two Small Houses occupied only a small area. Concerned Government departments had no objection. The negative comments of AC for T/NT were irrelevant which, if taken, would mean no development could be taken in any part of Hong Kong. DEP’s concern was noted but Sai Sha Road was provided with noise barriers and the applicants were willing to accept the noise levels;
- (d) the zoning boundaries of the Ma On Shan OZP needed major amendments as they did not match the actual development. The elongated “O” zone on the OZP reflected an inefficient allocation of land uses. Part of the “O” zone had already been occupied by existing roads. There were plenty of vacant land to the west of Cheung Muk Tau Village which could be rezoned “O”. With such proposed amendment, the rezoning of the subject site to “V” would be acceptable and only result in negligible impact on the open space provision.

19. A Member pointed out that according to the comments of DLO/TP in paragraph 6.5(d) of the Paper, cross-village Small House applications were generally acceptable but subject to no objection from the local villagers. Noting that there were objections from the villagers, this Member asked how the applicants would resolve the objections. In response, Mr. Chan Kim-on said that the locals should not object now that the applicants would reduce the encroachment on the “O” zone to only 57m<sup>2</sup> and suggested rezoning a sizeable “O” zone in the vacant land to the west of Cheung Muk Tau Village.

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

#### Deliberation Session

21. A Member concurred with the applicants’ representative’s views that the zoning boundaries did not match the actual development and should be reviewed. However, before the Planning Department had completed the land use review, it would be premature to consider any rezoning of the application site as it would set an undesirable precedent for similar applications to follow. This Member also agreed with the view raised by another Member earlier that rezoning the application site to “V” would not help the applicants’ Small House applications as there were local objections to the cross-village Small House applications. Other Members shared the views expressed.

22. Another Member enquired why Houses No. 27 and 28 were allowed to be built on “O” zone. The Secretary replied that they were developments already in existence before the site was zoned “O” on the OZP. As road works undertaken by Government departments were permitted in all zones, except the conservation-related zonings and were deemed to be approved under the Town Planning Ordinance, some roads might not be built exactly according to the planned alignments shown on the OZPs. The Planning Department was currently reviewing various OZPs including the Ma On Shan OZP, and the zoning boundaries would be amended to tally with the actual development.

23. Another Member enquired if planning application was needed for the proposed Small Houses with footprint falling mostly within the “V” zone and slightly encroaching on the “O” zone taking note of the recently revised Interim Criteria for Consideration of Application for New Territories Exempted House/Small House in New Territories (Interim Criteria). The Secretary replied that according to the revised Interim Criteria, exemption from planning application was not applicable to Small House development with footprint encroaching on the “O” zone, regardless of whether Government land was involved. Besides, the Notes of the Ma On Shan OZP did not provide for NTEH development in the “O” zone. The rezoning application was therefore submitted for the proposed Small Houses.

24. The Chairperson concluded that the DPO/STN should review the zoning boundaries of the area to rectify the discrepancy between the zoning boundaries and the actual development. Meanwhile, the Committee did not see any merits in acceding to the applicant’s rezoning proposal.

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

- (a) the “Open Space” (“O”) zone was to provide outdoor open-air space for recreational uses of the local residents and the general public. It also acts as a visual buffer between the residential developments and the road network of the area. The rezoning proposal would upset the configuration of the “O” zone, divide the “O” zone into fragments and shorten the distance between the residential developments and major roads, which was undesirable from the design and user points of view;
- (b) there was sufficient land reserved in Cheung Muk Tau Village to meet the outstanding and 10-year Small House demand of the village. The application for rezoning part of the “O” zone to “Village Type Development” zone was not justified;
- (c) there was insufficient information to demonstrate that the proposed development would not be subject to undue traffic noise impact from Sai

Sha Road; and

- (d) approval of the subject application would set an undesirable precedent for other similar development proposals in the “O” zone. The cumulative effect of approving such proposals would encourage proliferation of building development, cause adverse traffic impacts, and result in a general degradation of the environment in the area.

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

### **Agenda Item 5**

#### **Section 16 Applications**

[Open Meeting (Presentation and Question Sessions Only)]

- (i) A/NE-FTA/82 Renewal of Planning Approval for Temporary ‘Tyre Repairing Workshop’ under Application No. A/NE-FTA/66 for a Period of 3 Years in “Agriculture” zone, Lots 101(Part), 102A(Part) and Adjoining Government Land in DD 52, Fu Tei Au, Sheung Shui (RNTPC Paper No. A/NE-FTA/82)
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#### **Presentation and Question Sessions**

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

- (a) background to the application;
- (b) renewal of planning approval for temporary ‘tyre repairing workshop’ under Application No. A/NE-FTA/66 for a period of three years;

- (c) departmental comments – no objection or no adverse comment from concerned Government departments was received;
- (d) one public comment was received during the statutory publication period objecting on environmental, ecological, traffic and security grounds. Two locals' views were received by the District Officer commenting that the applicant should be reminded to protect the environment by not polluting River Indus and that permission to use the Government land on both sides of the site should not be granted to the applicant to avoid blocking access of the villagers; and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the application could be tolerated for reasons as detailed in paragraph 11.1 of the Paper. The temporary use under application was not incompatible with the adjacent land uses and would not frustrate the planning intention of the "Agriculture" zone. DAFC had no strong view in this regard. The tyre repairing workshop was small in scale. Although there were a few domestic structures in the vicinity, the Director of Environmental Protection had no objection. Previous planning approvals for tyre repairing workshop were granted and the approval conditions had been complied with. Concerned Government departments had no objection and the applied use would unlikely have significant adverse impacts on the surrounding areas. Although three numbers of trees were found missing in a recent site investigation, an approval condition could be incorporated to require replacement planting.

27. Members had no question on the application.

#### Deliberation Session

28. Members considered that the tyre repairing workshop, which was servicing vehicles traveling on Man Kam To Road, was acceptable.

29. After deliberation, the Committee decided to approve the application on a

temporary basis for a period of 3 years until 14.9.2010, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) the vehicular access leading to the application site should be maintained during the approval period;
- (b) the submission of tree preservation and landscaping proposals within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 14.3.2008;
- (c) in relation to (b) above, the implementation of the tree preservation and landscaping proposals within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 14.6.2008;
- (d) if the above planning condition (a) was not complied with during the approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (e) if any of the above planning conditions (b) or (c) 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
- (f) upon expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the TPB.

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

- (a) note the Chief Building Surveyor/New Territories West, Buildings Department's comment that the applicant should appoint an authorized person to remove all unauthorized building works/structure(s) on the application site; that an authorized person should be appointed for submission of building plans if new structures/building works were proposed; and that his no objection in principle to the application must not

be construed as condoning, tolerating or an indication of acceptance of any building works/structures on site under the Buildings Ordinance and the allied regulations;

- (b) follow the environmental measures as recommended in the “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” to minimize the potential environmental impacts on the adjacent area;
- (c) note the Chief Engineer/Development (2), Water Supplies Department (WSD)’s comments that the existing DN1200 water mains would be affected. A waterworks reserve within 3 metres from the centreline of the water main should be provided by WSD. Therefore, the applicant was required to set back the boundary of the proposed site to exclude the proposed waterworks reserve;
- (d) keep the existing drains on site and adjacent to the application site clear of rubbish / debris and in good working condition; and
- (e) submit formal application to the Director of Fire Services should the storage of tyres exceed 50 numbers.

[Open Meeting (Presentation and Question Sessions Only)]

- (ii) A/NE-LYT/362 Temporary Waste Recycling Centre (Disassembling Pachinko/Slot Machines) for a Period of 4 Months in “Green Belt” zone, Lots 608BRP(Part), 608CRP(Part), 614RP(Part), 615(Part), 620RP and Adjoining Government Land in DD 85, Po Kat Tsai, Fanling  
(RNTPC Paper No. A/NE-LYT/362)
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Presentation and Question Sessions

- 31. Dr. Kenneth S.S. Tang, STP/STN, presented the application and covered the

following aspects as detailed in the Paper :

- (a) background to the application;
- (b) temporary waste recycling centre (disassembling pachinko/slot machines) for a period of 4 months;
- (c) departmental comments – the Director of Environmental Protection (DEP) did not support the application as there were sensitive uses in the vicinity of the site and environmental nuisance was expected. The Assistant Commissioner for Transport/New Territories (AC for T/NT) did not give support to the application and asked the applicant to submit a detailed layout showing the vehicular access, parking, loading/unloading arrangement and manoeuvring spaces within the site to him for further consideration. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L) raised objection from landscape planning point of view as the development was not compatible with the surrounding environment. Approving it would encourage similar developments in the area, further deteriorating the landscape quality of the “Green Belt” (“GB”) zone, leading to significant cumulative adverse impact on the existing landscape character and landscape resource of the surrounding environment;
- (d) three public comments were received during the statutory publication period with 45 signatures in a letter and 3 signatures in a letter both from the villagers of Po Kat Tsai Village and one from a private individual. All of them objected on grounds that the proposed use was not compatible with the rural setting, causing adverse traffic and environmental impacts to the surrounding areas, as well as potentially releasing radioactive materials. Two local objections on environmental pollution, traffic safety and public health grounds and a local view supporting the application were received by the District Officer; and
- (e) the Planning Department (PlanD)’s views – PlanD did not support the

application for reasons as detailed in paragraph 12.1 of the Paper. The temporary waste recycling centre was not in line with the planning intention of the “Green Belt” (“GB”) zone. No strong justification had been provided for a departure from the planning intention. The development was not compatible with the surrounding environment which consisted domestic structures and well-wooded land. The development would have adverse environmental impact on the surrounding areas. DEP did not support the application. AC for T/NT did not support the application as the access road was substandard. CTP/UD&L also objected on ground that the development was incompatible with the landscape character and surrounding rural setting. Insufficient information had been provided to demonstrate that the operation of the recycling facilities would not induce adverse environmental, traffic and landscape impacts.

32. In response to a Member’s enquiry, Mr. W.K. Hui, DPO/STN, informed that according to the applicant, he was previously using another site in Tai Wo, which was zoned “Recreation”. With the limited information at hand, Mr. Hui could not confirm if the previous operation on the other site was an ‘existing use’ or unauthorized. Since the said site had been resumed by Drainage Services Department (DSD) and the use on site was discontinued, the applicant would need to apply for planning permission if he resumed the use in the original site.

#### Deliberation Session

33. A Member was sympathetic with the applicant who needed to find a suitable relocation site to operate his business for only four months due to his original site being required for public works project. Another Member said that while understanding the applicant’s situation, the consideration should focus on the suitability of the site for the applied use.

34. Since the application was for a period of only four months, a Member asked if the application was rejected and the applicant applied for a review of the decision, it would entail a period more than four months and therefore timely enforcement action could not be taken. In response, Mr. W.K. Hui informed that an enforcement notice had been issued for the

unauthorized use on site. Under the current Town Planning Ordinance, prosecution action could be taken without the need to wait for the outcome of the planning application.

35. The Chairperson added that adequate prior notification and time for relocation would generally be provided by the relevant authority for all public works projects. Since no substantial structure was involved, the applicant should have little difficulty in moving the operation to a suitable relocation site. Members concurred and considered that the application site was not suitable for the applied use and there would be inadequate time to comply with necessary approval conditions within the four months applied for should approval be given.

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

- (a) the application site fall within an area zoned “Green Belt” (“GB”). The “GB” zone 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. There was a general presumption against development within this zone. No strong justifications had been provided for a departure from the planning intention; and
- (b) there was insufficient information to demonstrate that the use under application would not have adverse traffic, environmental and landscape impacts on the surrounding areas.

[Open Meeting (Presentation and Question Sessions Only)]

- (iii) A/NE-LYT/363 Proposed House  
(New Territories Exempted House (NTEH) - Small House)  
in “Agriculture” zone,  
Lots 1555D and 1555K in DD 83, Wing Ning Tsuen,  
Lung Yeuk Tau, Fanling  
(RNTPC Paper No. A/NE-LYT/363)
-

- (iv) A/NE-LYT/364 Proposed House  
(New Territories Exempted House (NTEH) - Small House)  
in “Agriculture” zone,  
Lots 1555G1 and 1555J in DD 83, Wing Ning Tsuen,  
Lung Yeuk Tau, Fanling  
(RNTPC Paper No. A/NE-LYT/364)
- 
- (v) A/NE-LYT/365 Proposed House  
(New Territories Exempted House (NTEH) - Small House)  
in “Agriculture” zone,  
Lots 1555H and 1555M in DD 83, Wing Ning Tsuen,  
Lung Yeuk Tau  
(RNTPC Paper No. A/NE-LYT/365)
- 

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

#### Presentation and Question Sessions

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

- (a) background to the applications;
- (b) proposed house (New Territories Exempted House (NTEH) - Small House) each for the three applications;
- (c) departmental comments – the Assistant Commissioner for Transport/New Territories (AC for T/NT) had reservation as NTEH development should be confined within the “Village Type Development” (“V”) zone as far as possible where the necessary traffic and transport facilities had been planned and provided. Although traffic associated with the proposed development was not expected to be significant, such development if permitted would set an undesirable precedent case for similar applications

in the future. The resulting cumulative adverse traffic impact could be substantial;

- (d) two public comments were received during the statutory publication period objecting on grounds of adverse ecological impacts on the “Agriculture” (“AGR”) zone and undesirable precedent for expansion of the “V” zone and the village ‘environs’ (‘VE’). Two local objections and one local view supporting the applications were received by the District Officer; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the applications for reasons as detailed in paragraph 11.1 of the Papers. The proposed Small Houses complied with the Interim Criteria for Consideration of Application for New Territories Exempted House/Small House in New Territories in that the majority of the application site fell within the ‘VE’ and there was a shortage of land in meeting the forecast demand for Small House development. The proposed Small Houses were compatible with the surrounding land uses which were rural in nature and the application sites were in close proximity to the village proper of Wing Ning Tsuen. Although AC for T/NT had reservation on traffic ground, a number of similar applications had been approved in the vicinity of the application sites and the approval of these three applications would be in line with the Board’s previous decisions. Although a public comment objected on ecological ground, the Director of Agriculture, Fisheries and Conservation had no objection to the applications.

39. In response to a Member’s question, Mr. W.K. Hui, DPO/STN, replied with the aid of Plans A-2 and A-3 that the land in the “AGR” zone was mainly fallow agricultural land and planning permissions had been given to a number of sites in the area for development of Small Houses.

#### Deliberation Session

40. After deliberation, the Committee decided to approve Applications No. A/NE-LYT/363, A/NE-LYT/364 and A/NE-LYT/365 each on the terms of the application as

submitted to the Town Planning Board (TPB). Each permission should be valid until 14.9.2011, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. Each permission was subject to the following conditions :

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

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

- (a) note the Chief Engineer/Development(2), Water Supplies Department's comments to :
  - (i) assess the need to extend his inside services to the nearest Government water mains for connection, and to resolve any land matter (such as private lots) associated with the provision of water supply and should be responsible for the construction, operation and maintenance of the inside services within private lots to Water Supplies Department's standards;
  - (ii) note that water mains in the vicinity of the application site could not provide the standard fire-fighting flow;
  - (iii) note that the application site was located within the flood pumping catchment area associated with River Indus and River Ganges pumping stations; and
- (b) note that the permission was only given to the development under

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

[Dr. C.N. Ng left the meeting at this point.]

[Open Meeting (Presentation and Question Sessions Only)]

- (vi)           A/NE-TK/237           Temporary Eating Place (Outside Seating Accommodation of a Restaurant) for a Period of 3 Years in “Village Type Development” zone, Government Land Adjoining Lots 883 and 884 in DD 28, Tai Mei Tuk Village, Tai Po  
(RNTPC Paper No. A/NE-TK/237)
- 

42.           The Chairperson said that Dr. James C.W. Lau had declared an interest in this item as he had current business dealings with the consultant for this application.

[Dr. James C.W. Lau left the meeting temporarily at this point.]

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the temporary eating place (outside seating accommodation of a restaurant) for a period of three years;
- (c) departmental comments – no objection or no adverse comment from concerned Government departments was received;

- (d) no public comment was received during the statutory publication period and no local objection was received by the District Officer; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application for reasons as detailed in paragraph 11.1 of the Paper.

44. Members had no question on the application.

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

#### Deliberation Session

45. Members noted that a number of applications for similar uses in the area had been approved.

46. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 14.9.2010, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) the setback of the development by 1.6m from the existing village road to its south;
- (b) the diversion of the 3" water main affected by the development (see Plan A-2 of the Paper) within 6 months from the date of planning approval to the satisfaction of the Director of Water Supplies or of the TPB by 14.3.2008;
- (c) the provision of fire service installations within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 14.3.2008;
- (d) the submission of drainage connection proposals within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 14.3.2008;

- (e) in relation to (d) above, the provision of proper drainage connection to the development within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 14.6.2008;
- (f) if the above planning condition (a) was not complied with during the approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (g) if any of the above planning conditions (b), (c), (d) or (e) was not complied with by the specified dates, the approval hereby given should cease to have effect and should on the same date be revoked immediately without further notice; and
- (h) upon the expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the TPB.

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

- (a) obtain from Tai Po District Lands Office a Short Term Tenancy for the restaurant use;
- (b) note that if any building works within the context of the Buildings Ordinance (BO) were to be carried out, the applicant should be reminded to seek approval and consent from the Building Authority prior to commencement of works under section 14(1) of the BO;
- (c) consult the Building Authority regarding the development intensity under Building (Planning) Regulation 19(3) at the building plan submission stage;
- (d) consult the Environmental Protection Department regarding the preferred sewage treatment/disposal method of the development; and

- (e) observe the “Code of Practice on Working near Electricity Supply Lines” when carrying out works in the vicinity of electricity supply lines. Prior to establishing any structure in the vicinity of the underground cables, the applicant should consult CLP Power Hong Kong Limited to divert the existing low voltage underground cables away from the vicinity of the proposed structure.

[Dr. James C.W. Lau returned to join the meeting at this point.]

[Open Meeting (Presentation and Question Sessions Only)]

- (vii) A/NE-TK/238 Private Garden  
in “Village Type Development” and “Green Belt” zones,  
Government Land Adjoining Lot 595A in DD 14,  
Tung Tsz Village, Tai Po  
(RNTPC Paper No. A/NE-TK/238)
- 

#### Presentation and Question Sessions

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

- (a) background to the application;
- (b) the private garden use;
- (c) departmental comments – the Director of Agriculture, Fisheries and Conservation (DAFC) had reservation from tree preservation point of view as a large tree was found on the Government land within the application site. The Chief Town Planner/Urban Design and Landscape (CTP/UD&L) had reservation from landscape planning point of view as the applicant failed to comply with the approval condition on tree preservation in the two previous planning permissions and it was doubtful if the applicant would comply in this application;

- (d) no public comment was received during the statutory publication period but one local objection was received by the District Officer objecting for the reason that limited land in the village should be reserved for Small House development but not for private garden purpose; and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the application could be tolerated on a temporary basis for a period of three years and partially approved with conditions for reasons as detailed in paragraph 11.1 of the Paper. The private garden use were partially approved in the two previous applications No. A/NE-TK/202 and 205 with respect to the area covered by the approved Short Term Tenancy (STT). However, the extension areas outside the STT should not be included as it would set an undesirable precedent for further unauthorised encroachment on Government land. The private garden was not incompatible with the surrounding rural use with clusters of village houses and would not cause adverse impacts on the surrounding areas. Concerned Government departments had no objection, except DAFC and CTP/UD&L on tree preservation aspect. The concern on tree preservation could be dealt with by including an approval condition in this respect, but requiring a shorter compliance period to monitor the situation and compliance of approval conditions as the applicant failed to comply with such in the two previous applications.

49. Members had no question on the application.

#### Deliberation Session

50. Noting that previous approvals had been given, Members considered a temporary partial approval for a period of three years with a shorter compliance period for the approval conditions could be given.

51. After deliberation, the Committee decided to partially approve the application only for the hatched black area shown on Plan A-2 of the Paper on a temporary basis for a

period of 3 years until 14.9.2010, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) the submission of tree preservation proposal within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 14.12.2007;
- (b) in relation to (a) above, the implementation of tree preservation proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 14.3.2008;
- (c) if any of the above planning conditions (a) or (b) was not complied with by the specified dates, the approval hereby given should cease to have effect and should be on the same date be revoked immediately without further notice; and
- (d) upon the expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the TPB.

52. The Committee also agreed to advise the applicant :

- (a) that shorter compliance periods for approval conditions were imposed in order to monitor the situation and compliance of approval conditions on the site;
- (b) that a temporary approval of three years was given so that the “Village Type Development” portion of the application site could be released for Small House development in future and the “Green Belt” portion of the site be reinstated to match with the surrounding green and natural environment;
- (c) that the applicant might need to extend her inside services to the nearest Government water mains for connection. The applicant should resolve any land matter (such as private lots) associated with the provision of water

supply and should be responsible for the construction, operation and maintenance of the inside services within the private lots to the Water Supplies Department's standards;

- (d) to note that water mains in the vicinity of the application site could not provide the standard fire-fighting flow; and
- (e) to consult Environmental Protection Department regarding sewage treatment/disposal aspects of the proposed development.

[Open Meeting (Presentation and Question Sessions Only)]

- (viii) A/NE-TKL/299 Proposed Utility Installation for Private Project  
(Electricity Package Sub-station)  
in "Agriculture" zone,  
Lot 883RP in DD 79, Ping Yeung Village, Ta Kwu Ling  
(RNTPC Paper No. A/NE-TKL/299)
- 

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed utility installation for private project (electricity package sub-station);
- (c) departmental comments – the Director of Agriculture, Fisheries and Conservation (DAFC) did not favour the application from agricultural development point of view as the site was graded as good agricultural land with high potential of agricultural rehabilitation;
- (d) no public comment was received during the statutory publication period and no local objection/view was received by the District Officer; and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application for reasons as detailed in paragraph 10.1 of the Paper. The proposed electricity package sub-station was small in scale and required for provision of power supply to the proposed NTEH developments to the immediate east of the application site. It would unlikely have adverse impacts on the surrounding areas. Concerned Government departments had no objection, except DAFC. DAFC's concern was related to the potential of agricultural rehabilitation. However, the proposed development was small in scale and an essential facility to serve the villagers.

54. Members had no question on the application.

#### Deliberation Session

55. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 14.9.2011, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

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

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

- (a) note the District Lands Officer/North, Lands Department's comments that the owner of the subject lot should submit formal application to his office for a Short Term Waiver;
- (b) note the Chief Engineer/Development (2), Water Supplies Department's comments that the application site was located within the flood pumping catchment area associated with River Indus and River Ganges pumping stations; and
- (c) note the Director of Fire Services' comments that the Emergency Vehicular Access arrangement should comply with Part VI of the Code of Practice for Means of Access for Firefighting and Rescue administered by the Buildings Department.

[The Chairperson thanked Mr. W.K. Hui, DPO/STN, and Dr. Kenneth S.S. Tang, STP/STN, for their attendance to answer Members' enquires. Mr. Hui and Dr. Tang left the meeting at this point.]

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

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

### **Agenda Item 6**

[Open Meeting]

Proposed Amendments to the

Approved Tin Shui Wai Outline Zoning Plan No. S/TSW/10

(RNTPC Paper No. 20/07)

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57. Mr. W.M. Lam, STP/TMYL, presented the proposed amendments to the OZP as detailed in the Paper and highlighted the following points :

Background and the Proposal

- (a) the Paper reported on the consultation with the Town Planning and Development Committee (TP&DC) of the Yuen Long District Council (YLDC) on the recommendations of the land use review of the Reserve Zone (RZ) in Tin Shui Wai New Town, in particular the “CDA” sites close to the Hong Kong Wetland Park (HKWP) of Areas 112 & 115 in Tin Shui Wan; and the proposed amendments to the approved Tin Shui Wai OZP No. S/TSW/10 (the OZP);
  
- (b) on 13.4.2007, the Committee agreed to the land use review and requested Planning Department (PlanD) to consult the YLDC. The major amendments to the OZP included the reduction of the plot ratio (PR) of the “CDA” zoning for Areas 112 and 115 from the original PR of 2 under the current OZP to PR of 1.5. The building height restriction of 10 storeys over 1 storey of carpark would be maintained. The requirement of Air Ventilation Assessment (AVA) was included in the Notes for the “CDA” zone requiring further submission of AVA at the Master Layout Plan submission stage. Part of the CDA site in the southern side of Area 112 was rezoned to “Government, Institution or Community” (“G/IC”) zone for a primary cum secondary school. The HKWP was rezoned from the “Other Specified Uses (Hong Kong Wetland Park)”, “Open Space” (“O”), “CDA”, “Conservation Area” zones and Drainage Channel to “Country Park”. The “Commercial” zone in Area 108A, the “GB” in Areas 122 and 123, and the “G/IC” zones at Areas 27 and 33A would be rezoned to “O” to compensate for the loss in planned open space provision due to the proposed rezoning for the HKWP;

YLDC’s Views

- (c) TP&DC of YLDC generally welcomed and supported the reduction of the development intensity, reduction in the school provision in Areas 112 and 115 and rezoning of some sites to “O”. However, they suggested further

decreasing the PR and some considered that the two sites might not be suitable for residential development as the population density in Tin Shui Wai was already very high. It was also suggested that a maximum Gross Floor Area (GFA) should be specified on the OZP to avoid further increase in development intensity resulting from granting of exemptions under Building (Planning) Regulations. Alternative uses were recommended for the two sites for tourism-related uses, and recreational or open space uses for the locals. Retail shops should be proposed at street level to improve vibrancy of the town design and compatibility with the HKWP. Measures should be provided to relieve insufficient loading/unloading bays, waiting areas and car parking spaces in the HKWP; and existing trees should be preserved;

[Mr. David Chan arrived to join the meeting and Mr. Tony C.N. Kan returned to join the meeting at this point.]

#### PlanD's Views

- (d) PlanD considered it unnecessary to further amend the land use proposals. The Engineering Investigations for Development of Areas 3, 30 and 31 of the Development Zone and RZ completed in 1997 and the land use review completed in April 2007 had both confirmed the development potential of the "CDA" sites for low-density residential use. The proposed PR of 1.5 was an optimal figure derived from a series of test options. It was a proper balance of utilizing the scarce land resources and having due regard to the development potential of the sites in a sustainable manner. The proposed height of 10 storeys plus one storey of carport in the "CDA" zones were based on such design criteria as stepped height profile, design and disposition of building blocks for avoidance of wall effects. To stipulate the restriction on development intensity in terms of a maximum PR would provide more flexibility in deriving the permissible GFA to accord with the actual site area after detailed survey. The general issue of GFA concessions and stipulation of maximum GFA in the lease were being studied by the Administration. Subject to agreement of concerned Government departments and further investigation, provision of street-front

retail shops, car parks/loading and unloading areas for the HKWP and building design consideration of the two developments could also be specified in the planning briefs for the “CDA” sites, as appropriate. Flexibility had been provided in the Notes for the “CDA” zone to allow application for a wide range of tourism-related uses, though it should be noted that DLO/YL did not support the tourism proposals from land revenue perspective. More than sufficient “O” zone had been provided. The proposed rezoning of 5 pieces of land to “O” in this land use review should be sufficient to compensate for the loss in the HKWP. There was no strong justification for additional public open space in the two “CDA” sites.

Other Comments from YLDC not related to the proposed amendments

- (e) other views put forth by TP&DC of the YLDC but were not related to the proposed amendments were : rezoning the Hotel Site at Area 108A to “O” zone, rezoning Area 120 from “Other Specified Uses (Electricity Substation)” to “O”, providing additional public transport facilities in the RZ, and a comprehensive investigation on tourism development opportunities of Tin Shui Wai North, Ha Tsuen and Lau Fau Shan should be conducted;
  
- (f) PlanD considered that sufficient land had been reserved for “O” zone. There was no need to rezone the hotel site at Area 108A and Area 120 for open space use. PlanD would consult other concern departments to examine the feasibility of providing additional public transport facilities and the tourism development opportunities in the areas;

Way Forward

- (g) subject to the Committee’s agreement, the proposed amendments to the OZP as set out in the Paper would be exhibited for public inspection under section 5 of the Town Planning Ordinance.

[Mr. B.W. Chan left the meeting temporarily at this point.]

58. Members had no question on the proposed amendments.
59. After deliberation, the Committee decided to :
- (a) note the views of the TP&DC members in paragraph 3 of the Paper;
  - (b) note the responses of the PlanD as outlined in paragraph 4 of the Paper;
  - (c) agree to the proposed amendments to the approved Tin Shui Wai Outline Zoning Plan (OZP) as listed in paragraph 5 of the Paper and detailed in Annex I; and
  - (d) agree that the draft Tin Shui Wai OZP No. S/TSW/10A (to be renumbered as No. S/TSW/11 upon gazetting) incorporating the amendments and the Notes were suitable for exhibition under section 5 of the Town Planning Ordinance, and that the Explanatory Statement was suitable for public inspection together with the draft OZP.

### **Agenda Item 7**

[Open Meeting]

Proposed Amendments to the

Draft Yuen Long Outline Zoning Plan No. S/YL/16

(RNTPC Paper No. 21/07)

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60. Mr. W.M. Lam, STP/TMYL, presented the proposed amendments to the OZP as detailed in the Paper and highlighted the following points :
- (a) the proposed amendments were consequential to the authorised road works in Kau Hui tentatively programmed to commence construction in August 2008 for completion by the end of 2010;
  - (b) to incorporate the authorised road works on the OZP, amendment Items A1

to A3 were proposed to rezone land from “Government, Institution or Community (1)” (“G/IC(1)”), “Open Space” (“O”) and “Village Type Development” (“V”) respectively to area shown as ‘Road’;

- (c) adjustments to the zoning boundaries of an area in Kau Hui affected by the authorised road works were necessary. Amendment Items B1 to B3 were proposed to rezone land from “G/IC(1)”, ‘Road’ and “O” respectively to “V”;
- (d) the Town Planning and Development Committee of the Yuen Long District Council and the Shap Pat Heung Rural Committee would be briefed on the rezoning proposals, which were technical in nature and only to reflect the authorised road works in Kau Hui before or shortly after the exhibition of the draft amended OZP under section 7 of the Town Planning Ordinance.

61. Members had no question on the proposed amendments.

62. After deliberation, the Committee decided to :

- (a) agree to the proposed amendments to the draft Yuen Long Outline Zoning Plan (OZP) No. S/YL/16 as described in paragraph 3 of the Paper and that the Amendment Plan No. S/YL/16A at Annex B (to be renumbered to S/YL/17 upon gazetting) and the Notes of the Amendment Plan at Annex C were suitable for exhibition for public inspection under section 7 of the Town Planning Ordinance;
- (b) adopt the updated Explanatory Statement at Annex D as an expression of the planning intention and objectives of the Board for various land use zonings on the draft Yuen Long OZP; and
- (c) agree that the updated Explanatory Statement at Annex D was suitable for exhibition for public inspection together with the draft Yuen Long OZP.

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

**Agenda Item 8**

**Section 16 Applications**

[Open Meeting (Presentation and Question Sessions Only)]

- (i)           A/YL-PS/272           Renewal of Planning Approval for Temporary Open-air Barbecue Area under Application No. A/YL-PS/237 for a Period of 3 Years in “Undetermined” zone, Lots 384(Part), 387BRP, 387B1RP, 387B4, 387C1RP(Part), 387C2RP(Part), 388(Part) and 390(Part) in DD 122 and Adjoining Government Land, Ping Shan, Yuen Long  
(RNTPC Paper No. A/YL-PS/272)
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**Presentation and Question Sessions**

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

- (a)   background to the application;
- (b)   renewal of planning approval for temporary open-air barbecue area under Application No. A/YL-PS/237 for a period of three years;
- (c)   departmental comments – the District Lands Officer/Yuen Long (DLO/YL) did not support the application as the applicant failed to apply for Short Term Waiver and Short Term Tenancy for the applied use despite warnings. The Antiquities and Monuments Office of the Leisure and Cultural Services Department (the AMO) had no comment as the applicant undertook in his letter dated 31.8.2007 that no additional structure, signboard and advertisement would be erected at the site and the edged hatched area as shown in the plan attached to his letter would also not be occupied;
- (d)   two public comments from the members of the Yuen Long District Council

were received during the statutory publication period objecting on grounds of adverse environmental impact and incompatibility with the Ping Shan Heritage Trail and the surrounding rural environment. They also requested for a comprehensive land use review for compatible uses for the area; and

- (e) the Planning Department (PlanD)'s views – PlanD considered that the application could be tolerated for a period of 2 years for reasons as detailed in paragraph 12.1 of the Paper. The open-air barbecue area would not frustrate the planning intention for the “Undetermined” (“U”) zone. Approval could be given to the development on a temporary basis pending confirmation of the long-term use for the area. Previous planning approval under Application No. A/YL-PS/237 for the same use had been granted by the Town Planning Board upon review for 12 months to monitor the operation and compliance with approval conditions. All the approval conditions had been complied with for this previous approval. The Director of Environmental Protection, Commissioner of Police and the Director of Food and Environmental Hygiene confirmed that no environmental or hygiene complaint, or police report had been received. There had been no material change in the planning circumstances since the last approval. Although there were public comments objecting on environmental ground, concerned Government departments had no objection and approval conditions were suggested to mitigate any possible adverse environmental impact. In view of DLO/YL's comment on the need to apply STT and STW, an advisory clause reminding the applicant to submit formal applications for regularization of the unauthorised structures to DLO/YL was suggested.

64. Members had no question on the application.

#### Deliberation Session

65. In response to the Chairperson's enquiry, Mr. W.M. Lam, STP/TMYL, advised that the setback was at the entrance in the northern corner of the site as shown in Plan A-2

and Photo 2 of Plan A-4a. The setback had already been provided on site and the applicant pledged to keep it.

66. Mr. C.S. Mills requested that stronger wording should be used in the advisory clause in paragraph 12.4(c) of the Paper spelling out that DLO/YL would take lease enforcement action and land control action as appropriate if the applicant continued to fail to apply for STT and STW.

67. Members had a lengthy discussion on the compatibility of the applied use with the adjacent Tsui Sing Lau Pagoda. Some Members considered that the applied use was in fact incompatible with and would adversely affect the character of the area surrounding the Tsui Sing Lau Pagoda. Some Members however considered that previous approval had been given by the Town Planning Board on review for 12 months to monitor the operation of the barbecue use. During the approval period, the applicant had complied with all the approval conditions and no complaint had been received by concerned departments. In the circumstances, there was no strong reason for the Committee to reject the application. A Member suggested that a temporary approval be given to continue to monitor the situation. However, if the current application were approved for 2 years as recommended, it would give a wrong signal that the applied use was considered compatible with the surrounding uses. Another Member considered that further setback should be provided to allow for better pedestrian circulation noting that the Pagoda was a tourist attraction and the strong objection from the Yuen Long District Council Members.

68. In response, Mr. W.M. Lam advised that AMO considered the setback from the entrance adequate. A review of the "U" zone for appropriate uses was underway, taking into account the compatibility with the Ping Shan Heritage Trail and the private land holdings in the area. The land use review would be ready for consultation with Government departments and the locals by early 2008.

69. A Member was of the view that private property right should be respected. The barbecue use was compatible with the surrounding area and therefore should be approved for two years. This Member also considered that the setback from the entrance was adequate and there were pavements provided for pedestrians.

70. The Chairperson said that private property rights would be subject to the statutory provisions in statutory plans. Since the application site fell within the “U” zone pending confirmation of long-term land uses, planning application would be required for all kinds of development and would be considered by the Committee.

71. Noting that only 12-month approval period had been given previously and the applicant had complied with all the approval conditions, no complaint had been received since the last approval and the land use review for the area would be available by early 2008, Members considered that an approval period of 12 months would be more appropriate to monitor the situation and pending the completion of the land use review.

72. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 12 months until 14.9.2008, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) the operation hours of the development was restricted to 5:00 p.m. to 10:00 p.m. daily, as proposed by the applicant, during the planning approval period;
- (b) no public announcement system, portable loudspeaker or any form of audio amplification system was allowed to be used on the site at any time during the planning approval period;
- (c) the landscape planting on the application site should be maintained at all times during the planning approval period;
- (d) the existing drainage facilities as previously implemented on site under planning application No. A/YL-PS/237 should be maintained at all times during the approval period;
- (e) the submission of the condition record of the existing drainage facilities on site within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 14.12.2007;

- (f) the provision of fire service installations within **3** months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 14.12.2007;
- (g) if any of the above planning condition (a), (b), (c) or (d) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice; and
- (h) if any of the above planning 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.

73. The Committee also agreed to advise the applicant :

- (a) any land issues relating to the development with the concerned owner(s) of the application site should be resolved;
- (b) a shorter approval period of 12 months and shorter compliance period were imposed so as to monitor the situation on site and fulfillment of approval conditions;
- (c) note the District Lands Officer/Yuen Long, Lands Department's comments that the existing occupation boundary of the site was slightly different from the site in the submission and a strip of Government Land at the northwestern part of the site was occupied. The applicant should clarify the application boundary and submit formal applications for regularization of the unauthorised structures. If the applicant failed to apply for Short Term Waiver and Short Term Tenancy, his office would take lease enforcement action and land control action as appropriate;
- (d) note the Chief Highway Engineer/New Territories West, Highways Department's comments that his office did not maintain the access track between Tsui Sing Road and the site;

- (e) adopt environmental mitigation measures as set out in the “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Environmental Protection Department to minimise any possible environmental nuisances;
- (f) note the Chief Building Surveyor/New Territories West, Buildings Department’s comments that the granting of this planning approval should not be construed as condoning any structures existing on the site under the Buildings Ordinance (BO) and the allied regulations. Actions appropriate under the said Ordinance or other enactment might be taken if contravention was found. Formal submission of any proposed new works, including any temporary structure, for approval under the BO was required. If the site was not abutting on nor accessible from a street having a width of not less than 4.5m, the development intensity should be determined by the Building Authority under Building (Planning) Regulation 19(3) at the building plan submission stage;
- (g) note the Chief Engineer/Development (2), Water Supplies Department (WSD)’s comments that the developer should bear the cost of any necessary diversion works affected by the proposed development. In case it was not feasible to divert the affected water mains, a waterworks reserve within 1.5m from the centerline of the water mains should be provided to WSD. No structure should be erected over this waterworks reserve and such area should not be used for storage purposes. The Water Authority and his officers and contractors, his or their workmen should have free access at all times to the said area with necessary plant and vehicles for the purpose of laying, repairing and maintenance of water mains and all other services across, through or under it which the Water Authority might require or authorize. The Government should not be liable to any damage whatsoever and howsoever caused arising from burst or leakage of the public water mains within and in close vicinity of the site;
- (h) note the Director of Fire Services’ comments that detailed fire safety

requirements would be formulated upon receipt of formal submission of general building plans and the applicant was advised to submit relevant building plans incorporated with the proposed fire service installations (FSIs) to his department for approval even though the submission of general building plans was not required under the Buildings Ordinance and to make reference to the Codes of Practice for Minimum Fire Service Installations and Equipment in formulating the FSIs proposal; and

- (i) the Director of Food and Environmental Hygiene (DFEH)'s comments that the proprietor of the barbecue area who intended to carry on at the site food business should obtain from DFEH a food licence as prescribed under section 31 of the Food Business Regulation and the proprietor should take up the management responsibility and to prevent any nuisance arising from the premises.

[Open Meeting (Presentation and Question Sessions Only)]

- (ii) A/YL-PS/273 Temporary Open Storage of Waste Metal and Construction Materials for a Period of 3 Years  
in "Comprehensive Development Area" zone,  
Lots 2371RP, 2412(Part), 2413(Part), 2414RP(Part), and  
2417RP(Part) in DD 124 and Adjoining Government Land,  
Ping Shan, Yuen Long  
(RNTPC Paper No. A/YL-PS/273)
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#### Presentation and Question Sessions

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

- (a) background to the application;
- (b) the temporary open storage of waste metal and construction materials for a period of three years;

- (c) departmental comments – the Director of Environmental Protection (DEP) did not support the application as there were sensitive uses in the vicinity of the site and/or access road and environmental nuisance was expected;
- (d) no public comment was received during the statutory publication period and no local objection/view was received by the District Officer; and
- (e) the Planning Department (PlanD)'s views – PlanD did not support the application for reasons as detailed in paragraph 11.2 of the Paper. The application was not in line with the planning intention of the “Comprehensive Development Area” (“CDA”) zone and not in line with the Town Planning Board Guidelines for ‘Application for Open Storage and Port Back-up Uses’ (TPB PG-No. 13D) in that the site did not have any previous planning approvals, and no relevant technical assessments/proposals had been submitted to demonstrate that the proposed use would not generate adverse traffic, drainage and environment impacts on the surrounding areas. DEP did not support from environmental point of view. No similar application had previously been approved in the “CDA” zone. The approval of the application would set an undesirable precedent for similar applications, the cumulative impact of which would lead to a general degradation of the environment in the area.

75. Members had no question on the application.

#### Deliberation Session

76. Members considered that the application would cause adverse impacts although there was no immediate implementation programme for the “CDA” zone.

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 “Comprehensive Development Area” (“CDA”) zone which was for

comprehensive development/redevelopment of the area for residential use with the provision of commercial, open space and other supporting facilities;

- (b) the proposed development was not in line with the Town Planning Board Guidelines for 'Application for Open Storage and Port Back-up Uses' (TPB PG-No. 13D) in that the site did not have any previous planning approvals, and there were no relevant technical assessments/proposals submitted to demonstrate that the proposed use would not generate adverse traffic, drainage and environment impacts on the surrounding areas; and
- (c) no similar application had previously been approved in the "CDA" zone. The approval of the application would set an undesirable precedent for similar applications, the cumulative impact of which would lead to a general degradation of the environment in the area.

[Open Meeting (Presentation and Question Sessions Only)]

- (iii)        A/YL-HT/503        Renewal of Planning Approval for Temporary Container Vehicle Park, Open Storage of Containers and Construction Materials with Ancillary Vehicle Repair Workshop under Application No. A/YL-HT/356 for a Period of 3 Years in "Comprehensive Development Area" zone, Lots 2412RP, 2415RP(Part), 2417(Part), 2418RP(Part) and 2419RP in DD 129 and Adjoining Government Land, Ha Tsuen, Yuen Long  
(RNTPC Paper No. A/YL-HT/503)
- 

Presentation and Question Sessions

78.        Mr. Anthony C.Y. Lee, STP/TMYL, informed Members that the Chief Highway Engineer/New Territories West, Highways Department (CTP/NTW, HyD) emailed him prior to the meeting that the condition of the access road was satisfactory and conditions (g) and (h) suggested in paragraph 12.4 of the Paper could be deleted.

79. Mr. Anthony C.Y. Lee then presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) renewal of planning approval for temporary container vehicle park, open storage of containers and construction materials with ancillary vehicle repair workshop under Application No. A/YL-HT/356 for a period of three years;
- (c) departmental comments – the Director of Environmental Protection (DEP) did not support the application as there was sensitive use in the vicinity of the site (a residential dwelling at about 45m to the southeast of the site) and environmental nuisance was expected. Other Government departments consulted had no objection or no adverse comments on the application;
- (d) one public comment was received during the statutory publication period objecting on ground of adverse environmental impact on the residential dwelling and the nearby residents; and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the application could be tolerated for reasons as detailed in paragraph 12.2 of the Paper. The applied temporary use would not frustrate the planning intention of the “CDA” zone which had no immediate implementation programme. It was not incompatible with the surrounding land uses which comprised warehouse, open storages of containers, construction and recycling materials. Previous planning approvals for the same use had been granted and the approval conditions were complied with. There had been no material change in the planning circumstances since the last approval. The applied use would unlikely have significant adverse impacts on the surrounding areas. Concerned Government departments had no objection, except DEP. DEP's concern could be addressed through the inclusion of approval conditions on operation hours, stacking height of the stored materials, and paving and the suggested advisory clause

on the need to follow “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” to minimise any possible environmental impacts. In fact, the residential dwelling was about 45m from the site across Lau Fau Shan Road.

80. Members had no question on the application.

Deliberation Session

81. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 14.9.2010, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no night-time operation from 7:00 p.m. to 7:00 a.m. was allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays was allowed on the site during the planning approval period;
- (c) the stacking height of containers/materials stored within 5m of the periphery of the site should not exceed the height of the boundary fence at any time during the planning approval period;
- (d) the stacking height of containers stored at any other location within the site should not exceed 7 units at any time during the planning approval period;
- (e) the existing drainage facilities implemented on the site under the previous approved application No. A/YL-HT/356 should be maintained at all times during the planning approval period;
- (f) the submission of a condition record of the existing drainage facilities implemented under application No. A/YL-HT/356 within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 14.12.2007;

- (g) the provision of a 9-litre water type/3kg dry powder fire extinguisher in each of the container-converted site offices within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 14.3.2008;
- (h) the submission of tree preservation and landscape proposals within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 14.3.2008;
- (i) in relation to (h) above, the implementation of tree preservation and landscape proposals within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 14.6.2008;
- (j) the provision of fencing and paving for the site within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 14.3.2008;
- (k) if any of the above planning conditions (a), (b), (c), (d) or (e) was not complied with during the approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (l) if any of the above planning conditions (f), (g), (h), (i) or (j) 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
- (m) upon expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the TPB.

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

- (a) resolve any land issues relating to the development with the concerned owner(s) of the application site;
- (b) note the District Lands Officer/Yuen Long's comments that the lots under application was an Old Schedule Agricultural Lot held under the Block Government Lease under which no structure was allowed to be erected without prior approval from his Office, and to apply to his office for Short Term Wavier and Short Term Tenancy to regularize the existing and proposed structures on site and unauthorized occupation of Government land respectively;
- (c) follow the latest "Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites" issued by the Director of Environmental Protection in order to minimize the possible environmental nuisance;
- (d) note the Assistant Commissioner for Transport/New Territories, Transport Department's comments that the land status of the access track leading to the site from Lau Fau Shan Road should be checked with the lands authority and that the management and maintenance responsibilities of this access track should be clarified, and the relevant lands and maintenance authorities should be consulted accordingly;
- (e) note the Chief Highway Engineer/New Territories West, Highways Department's (HyD) comments to construct a run-in at the access point at Lau Fau Shan Road in accordance with the latest version of HyD Standard Drawing Nos. H1113 and H1114 or H5115 and H5116 whichever set as appropriate to suit the type of pavement of adjacent footpath, to repair or reconstruct the run-in as the existing run-in had deteriorated to a certain extent;
- (f) note the Chief Building Surveyor/New Territories West, Buildings Department's comments that all building works were subject to compliance with the Buildings Ordinance. Authorised Person must be appointed to

coordinate all building works. The granting of planning approval should not be construed as an acceptance of the unauthorised structures on site under the Buildings Ordinance. Enforcement action might be taken to effect the removal of all unauthorised works in the future; and

- (g) note the Director of Fire Services' comments that the proposed use of workshop in part of the site might involve activities of storage/use of Dangerous Goods, and to approach the Dangerous Goods Division of his department for advice on licensing of the premises for the said purposes where necessary.

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

[Open Meeting (Presentation and Question Sessions Only)]

- (iv) A/YL-LFS/163 Temporary Open Storage of Marble for a Period of 3 Years in "Recreation" zone,  
Lots 2096RP(Part), 2097, 2218RP and 2219RP(Part) in  
DD 129, Lau Fau Shan, Yuen Long  
(RNTPC Paper No. A/YL-LFS/163)
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#### Presentation and Question Sessions

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

- (a) background to the application;
- (b) temporary open storage of marble for a period of three years;
- (c) departmental comments – the Director of Environmental Protection (DEP) did not support the application as there were sensitive uses in the vicinity of the site and environmental nuisance was expected. The Assistant Commissioner for Transport/New Territories (AC for T/NT) requested the Committee to consider if the approval of the application would set an undesirable precedent for other similar applications in the surrounding

areas. It was considered that approving similar applications might induce cumulative adverse traffic impact on the nearby road network. Other Government departments consulted had no objection or no adverse comments on the application;

- (d) no public comment was received during the statutory publication period and no local objection/view was received by the District Officer; and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the application could be tolerated for a period of two years for reasons as detailed in paragraph 12.2 of the Paper. The applied temporary use would not frustrate the planning intention of the “Recreation” (“REC”) zone which had no immediate implementation programme. It was not incompatible with the surrounding land uses which comprised warehouses and open storages uses. Previous planning approvals for the same use had been granted and the approval conditions of the last approval were complied with. The applied use would unlikely have significant adverse impacts on the surrounding areas. Concerned Government departments had no objection, except DEP and AC for T/NT. Regarding AC for T/NT's traffic concern, a number of similar applications had been approved in the area and the approval of this application would be in line with the Board's previous decisions. The applicant had also advised that the vehicular trips to and from the site would be infrequent. DEP's concern could be addressed through the inclusion of approval conditions on operation hours and types of vehicles used, and the suggested advisory clause on the need to follow “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” to minimise any possible environmental impacts. A shorter approval period of two years and shorter compliance period would be granted to monitor the situation of the site and allow time for the relocation of the business to other suitable locations.

84. Members had no question on the application.

Deliberation Session

85. Members agreed that a shorter approval of two years could be granted to allow time for the applicant to relocate the business to other suitable locations.

86. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 2 years until 14.9.2009, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no night time operation between 7:00 p.m. and 7:00 a.m. was allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays was allowed on the site during the planning approval period;
- (c) no vehicle exceeding 5.5 tonnes, including heavy goods vehicle and container trailer, was allowed for the operation of the site at any time during the planning approval period;
- (d) the landscape planting on the application site should be maintained at all times during the planning approval period;
- (e) the drainage facilities implemented on the site under Application No. A/YL-LFS/109 should be maintained at all times during the planning approval period;
- (f) the submission of a condition record of the existing drainage facilities within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 14.12.2007;
- (g) the provision of a 9-litre water type/3kg dry powder fire extinguisher in each of the container-converted site offices within 3 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 14.12.2007;

- (h) the submission of run-in proposals within 3 months from the date of planning approval to the satisfaction of the Director of Highways or of the TPB by 14.12.2007;
- (i) in relation to (h) above, the implementation of run-in proposals within 6 months from the date of planning approval to the satisfaction of the Director of Highways or of the TPB by 14.3.2008;
- (j) if any of the above planning conditions (a), (b), (c), (d) or (e) was not complied with during the approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (k) if any of the above planning conditions (f), (g), (h) or (i) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and
- (l) upon expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the TPB.

87. The Committee also agreed to advise the applicant :

- (a) that renewal of planning permission should have been obtained before continuing the applied use at the application site;
- (b) that a shorter approval period of 2 years and shorter compliance periods were granted so as to monitor the situation of the site and allow time for the applicant to relocate his business to other suitable locations;
- (c) to resolve any land issues relating to the development with the concerned owner(s) of the application site;

- (d) to note the District Lands Officer/Yuen Long's comments that the lots under application were Old Schedule Agricultural Lots held under the Block Government Lease under which no structures were allowed to be erected without prior approval from his Office;
- (e) to follow the latest "Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites" issued by the Director of Environmental Protection;
- (f) to note the Assistant Commissioner for Transport/New Territories, Transport Department's comments that the vehicular access point was too close to a layby in Deep Bay Road, the land status and management/maintenance responsibilities of the road/path/track leading to the site should be clarified, and the relevant lands and maintenance authorities should be consulted accordingly;
- (g) to note the Chief Highway Engineer/New Territories West, Highways Department's (TD) comments to construct a run-in at the access point in accordance with the latest version of HyD Standard Drawing Nos. H1113 and H1114 or H5115 and H5116 whichever set as appropriate to match the type of pavement of adjacent footpath, to liaise with the other owners/applicants of the sites to coordinate with each other to construct the run-in, and to seek TD's agreement on the width of the run-in;
- (h) to note the Chief Building Surveyor/New Territories West, Buildings Department's comments that all building works were subject to compliance with the Buildings Ordinance. Authorised Person must be appointed to coordinate all building works. The granting of planning approval should not be construed as an acceptance of the unauthorised structures on site under the Buildings Ordinance. Enforcement action might be taken to effect the removal of all unauthorised works in the future; and
- (i) to note the Chief Town Planner/Urban Design and Landscape, Planning Department's comments to keep a minimum distance of 1m around the

trees to avoid storage of the materials which might damage the tree in the vicinity.

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

[Open Meeting (Presentation and Question Sessions Only)]

- (v)           A/YL-LFS/164           Temporary Open Storage of Construction Materials  
for a Period of 3 Years in “Recreation” zone,  
Lots 2095(Part) in DD 129, Lau Fau Shan, Yuen Long  
(RNTPC Paper No. A/YL-LFS/164)
- 

Presentation and Question Sessions

88.           The Secretary referred Members to the replacement pages 9, 11 and 12 which had been faxed to them and tabled at the meeting.

89.           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)   temporary open storage of construction materials for a period of three years;
- (c)   departmental comments – the Director of Environmental Protection (DEP) did not support the application as there were sensitive uses in the vicinity of the site and environmental nuisance was expected. The Assistant Commissioner for Transport/New Territories (AC for T/NT) requested the Committee to consider if the approval of the application would set an undesirable precedent for other similar applications in the surrounding areas. It was considered that approving such similar applications might induce cumulative adverse traffic impact on the nearby road network. Other Government departments consulted had no objection or no adverse comments on the application;

- (d) no public comment was received during the statutory publication period and no local objection/view was received by the District Officer; and
  
- (e) the Planning Department (PlanD)'s views – PlanD considered that the application could be tolerated for a period of two years reasons as detailed in paragraph 12.2 of the Paper. The applied temporary use would not frustrate the planning intention of the “Recreation” (“REC”) zone which had no immediate implementation programme. It was not incompatible with the surrounding land uses which comprised warehouses and open storages uses. Previous planning approvals for the same use had been granted and the approval conditions of the last approval were complied with. The applied use would unlikely have significant adverse impacts on the surrounding areas. Concerned Government departments had no objection, except DEP and AC for T/NT. Regarding AC for T/NT's traffic concern, a number of similar applications had been approved in the area and the approval of this application would be in line with the Board's previous decisions. DEP's concern could be addressed through the inclusion of approval conditions on operation hours and types of vehicles used, and the suggested advisory clause on the need to follow “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” to minimise any possible environmental impacts. The Chief Town Planner/Urban Design and Landscape advised that the existing trees inside the site were well-maintained and provided effective landscape screening. A shorter approval period of two years and shorter compliance period would be granted to monitor the situation of the site and allow time for the relocation of the business to other suitable locations.

90. Members had no question on the application.

#### Deliberation Session

91. Members agreed that a shorter approval of two years should be granted to allow time for the applicant to relocate the business to other suitable locations.

92. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 2 years until 14.9.2009, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no night time operation between 7:00 p.m. and 7:00 a.m. was allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays was allowed on the site during the planning approval period;
- (c) no vehicle exceeding 5.5 tonnes, including heavy goods vehicle and container trailer, was allowed for the operation of the site at any time during the planning approval period;
- (d) the landscape planting on the application site should be maintained at all times during the planning approval period;
- (e) the drainage facilities implemented on the site under Application No. A/YL-LFS/112 should be maintained at all times during the planning approval period;
- (f) the submission of a condition record of the existing drainage facilities within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 14.12.2007;
- (g) the submission of run-in proposals within 3 months from the date of planning approval to the satisfaction of the Director of Highways or of the TPB by 14.12.2007;
- (h) in relation to (g) above, the implementation of run-in proposals within 6 months from the date of planning approval to the satisfaction of the Director of Highways or of the TPB by 14.3.2008;
- (i) if any of the above planning conditions (a), (b), (c), (d) or (e) was not

complied with during the approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;

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

93. The Committee also agreed to advise the applicant :

- (a) that renewal of planning permission should have been obtained before continuing the applied use at the application site;
- (b) that a shorter approval period of 2 years and shorter compliance periods were granted so as to monitor the situation of the site and allow time for the applicant to relocate his business to other suitable locations;
- (c) to resolve any land issues relating to the development with the concerned owner(s) of the application site;
- (d) to note the District Lands Officer/Yuen Long's comments that the lots under application were Old Schedule Agricultural Lots held under the Block Government Lease under which no structures were allowed to be erected without prior approval from his Office;
- (e) to follow the latest "Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites" issued by the Director of Environmental Protection;
- (f) to note the Chief Town Planner/Urban Design and Landscape, Planning

Department's comments that there were some existing trees along the site boundary that the applicant was reminded to keep a minimum distance of 1m around the tree trunk to avoid storage of materials which might damage the tree in the vicinity;

- (g) to note the Chief Engineer/Development (2), Water Supplies Department's comments on the need to extend inside services to the nearest suitable Government water mains for connection, to resolve any land matter associated with the provision of water supply, and be responsible for the construction, operation and maintenance of the inside services within the private lots to his standards;
- (h) to note the Assistant Commissioner for Transport/New Territories, Transport Department (TD)'s comments the land status and management/maintenance responsibilities of the road/path/track leading to the site should be clarified, and the relevant lands and maintenance authorities should be consulted accordingly;
- (i) to note the Chief Highway Engineer/New Territories West, Highways Department's (HyD) comments to construct a run-in at the access point in accordance with the latest version of HyD Standard Drawing Nos. H1113 and H1114 or H5115 and H5116 whichever set as appropriate to match the type of pavement of adjacent footpath, to liaise with the other owners/applicants of the sites to coordinate with each other to construct the run-in, and to seek TD's agreement on the width of the run-in; and
- (j) to note the Chief Building Surveyor/New Territories West, Buildings Department's comments that all building works were subject to compliance with the Buildings Ordinance. Authorised Person must be appointed to coordinate all building works. The granting of planning approval should not be construed as an acceptance of the unauthorised structures on site under the Buildings Ordinance. Enforcement action might be taken to effect the removal of all unauthorised works in the future.

[Open Meeting (Presentation and Question Sessions Only)]

- (vi) A/YL-LFS/165 Proposed Utility Installation for Private Project  
(Package Substation)  
in “Village Type Development” zone,  
Lot 1016RP(Part) in DD 129, Mong Tseng Tsuen,  
Yuen Long  
(RNTPC Paper No. A/YL-LFS/165)
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Presentation and Question Sessions

94. The Secretary referred Members to the replacement page 8 which had been faxed to them and tabled at the meeting for their information.

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

96. Members had no question on the application.

Deliberation Session

97. Members considered that the proposed package substation, which was essential to support the NTEH development adjoining the application site to the east, was acceptable.

98. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 14.9.2011, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

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

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

- (a) the District Lands Officer/Yuen Long's comments that the lots under application were Old Schedule Agricultural Lots held under the Block Government Lease under which no structure was allowed to be erected without prior approval from his Office, and to apply for Short Term Waiver to cover the proposed package substation;
- (b) the Assistant Commissioner for Transport/New Territories, Transport Department's comments that the land status of the road/path/track leading to the site should be checked with the lands authority and that the management and maintenance responsibilities of this road/path/track should be clarified and consult the relevant lands and maintenance authorities accordingly;
- (c) the Chief Building Surveyor/New Territories West, Buildings Department's comments that formal submission of any proposed new works for approval

under the Buildings Ordinance was required. If the site did not abut on a street having a width of not less than 4.5m, the development intensity should be determined under Building (Planning) Regulation 19(3) at building plan submission stage;

- (d) the Director of Fire Services' comments that detailed fire safety requirements would be formulated upon receipt of formal submission of building plans;
- (e) the Chief Engineer/Development(2), Water Supplies Department (WSD)'s comments that for provision of water supply to the proposed development, the applicant might need to extend his/her inside services to the nearest suitable Government water mains for connection. The applicant should resolve any land matter (such as private lots) associated with the provision of water supply and should be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD's standards; and
- (f) the Director of Health's comments that the World Health Organization recommended that international exposure guidelines designed to protect workers and the public from the concerned effects should be adopted, and that the proposed package substation was an installation that would produce Extremely Low Frequency electric and magnetic fields at low levels. Installation of the package substation should therefore comply with the "Guidelines for Limiting Exposure to Time-varying Electric, Magnetic and Electromagnetic Fields (Up to 300GHz)" promulgated by the International Commission on Non-Ionizing Radiation Protection (ICNIRP). The guidelines specify that any location in the vicinity the proposed substation that was accessible to workers and the public should not exceed the relevant reference levels for occupational exposure (10kV/m for E-field and 0.5mT for B-field) and general public exposure (5kV/m for E-field and 0.1mT for B-field) respectively. Compliance with the ICNIRP guidelines should be verified by direct on-site measurement by the relevant party upon commissioning of the package substation.

[Open Meeting (Presentation and Question Sessions Only)]

- (vii) A/YL-NSW/178 Renewal of Planning Approval for Temporary Warehouse for Storage of Stainless Steel Sheets and Coils for a Period of 3 Years in “Other Specified Uses” annotated “Comprehensive Development to include Wetland Restoration Area” zone, Lots 3719P1A(Part) and 3719P3(Part) in DD 104, Tai Sang Wai, Nam Sang Wai, Yuen Long (RNTPC Paper No. A/YL-NSW/178)
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Presentation and Question Sessions

100. 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) renewal of planning approval for temporary warehouse for storage of stainless steel sheets and coils for a period of three years;
- (c) departmental comments – the Director of Environmental Protection (DEP) did not support the application as there were sensitive uses in the vicinity of the access road and environmental nuisance was expected. The Assistant Commissioner for Transport/New Territories (AC for T/NT) reported that he received several complaints during the past years about the traffic noise along Fairview Park Boulevard and commented that the application would generate additional traffic to the area to a certain extent. Other Government departments consulted had no objection or no adverse comments on the application;
- (d) two public comments were received during the statutory publication period objecting on grounds that the applied use was not in line with the planning intention, would increase traffic pressure and cause environmental nuisance. One of the commenters also objected to the applicant’s long-term use of the

site by taking advantage of the mechanism of applying for planning permission of temporary use; and

- (e) the Planning Department (PlanD)'s views – PlanD considered that the application could be tolerated for a period of two years, reasons as detailed in paragraph 12.1 of the Paper. The applied temporary use would not frustrate the planning intention of the “Other Specified Uses” annotated “Comprehensive Development to include Wetland Restoration Area” (“OU(CDWRA)”) zone which had no immediate implementation programme. Previous planning approvals for the same use had been granted and the approval conditions of the last approval were complied with. There had been no material change in the planning circumstances. The applied use would unlikely have significant adverse impacts on the surrounding areas. Concerned Government departments had no objection, except DEP and AC for T/NT. Regarding AC for T/NT's, DEP's and the public concerns on traffic and environmental issues, the applicant advised that the vehicular access would be through Yuen Long Highway/Castle Peak Road via Kam Pok Road rather than through Fairview Park Boulevard and the number of vehicular trips generated would only be six per month. In this regard, the Town Planning Appeal Board when approving the previous application also considered that the number of vehicular trips generated was relatively small. There was no pollution complaint against the applied use in the past 3 years. The environmental concern could be addressed through the inclusion of approval conditions on operation hours and types of goods stored, and the suggested advisory clause on the need to follow “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” to minimise any possible environmental impacts. The Chief Town Planner/Urban Design and Landscape advised that the existing trees inside the site were well-maintained and provided effective landscape screening. A shorter approval period of two years and shorter compliance period would be granted to monitor the situation of the site and allow time for the relocation of the business to other suitable locations.

101. Members had no question on the application.

Deliberation Session

102. Members agreed that a shorter approval of two years could be granted to allow time for the applicant to relocate the business to other suitable locations.

103. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 2 years until 14.9.2009, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no night time operation between 7:00 p.m. and 7:00 a.m. was allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays was allowed on the site during the planning approval period;
- (c) no open storage use would be allowed within the site at any time during the planning approval period;
- (d) the warehouse should only be used to store stainless steel goods, owned or dealt with by the applicant or any company belonging to the same group of companies as the applicant or any company under the same beneficial ownership as the applicant;
- (e) the landscape planting on the application site should be maintained at all times during the planning approval period;
- (f) the drainage facilities implemented on the site under Application No. A/YL-NSW/121 should be maintained at all times during the planning approval period;
- (g) the submission of fire service installations proposals within 3 months from the date of planning approval to the satisfaction of Director of Fire Services

or of the TPB by 14.12.2007;

- (h) in relation to (g) above, the provision of fire service installations within 6 months from the date of planning approval to the satisfaction of Director of Fire Services or of the TPB by 14.3.2008;
- (i) if any of the above planning conditions (a), (b), (c), (d), (e) or (f) was not complied with during the approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (j) if any of the above planning conditions (g) or (h) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice;
- (k) upon expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the TPB; and
- (l) the permission was personal to the applicant and upon the disposal of the site or any part thereof or any interest therein by the applicant, this permission should automatically terminate even though the 2 years have not yet expired.

104. The Committee also agreed to advise the applicant :

- (a) that a shorter approval period of 2 years and shorter compliance periods were granted so as to allow time for the applicant to relocate the business to other suitable locations and to monitor the situation of the site;
- (b) to note the comments of District Lands Officer/Yuen Long that the lots under application were Old Schedule Agricultural Lots held under Block Government Lease under which no structures were allowed to be erected without prior approval from his Office, the occupation area at the southwest

of the site encroached onto Lot 3719 S.Q RP in D.D. 104 which was outside the s.16 application area and to apply to his Office for regularisation of the unauthorized structures;

- (c) to follow the latest “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Director of Environmental Protection;
- (d) to note the comments of the Assistant Commissioner for Transport/New Territories, Transport Department that part of Kam Pok Road near Man Yuen Chuen was private road, the right of way in the private roads would not be guaranteed, and the private roads might not be managed and maintained in a condition suitable for use by goods vehicles;
- (e) to note the comments of the Director of Fire Services to submit relevant building plans incorporated with the proposed fire service installations to his Department for approval even though the submission of general building plans was not required under the Buildings Ordinance, to make reference to the requirements as stipulated in paragraph 4.29 “Industrial/godown buildings-Low Rise” of the current version of the Codes of Practice for Minimum Fire Service Installations and Equipment in formulating the fire service installations proposals;
- (f) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department that all unauthorized building works/structures should be removed. The granting of this planning approval should not be construed as condoning any structures existing on the site under the Buildings Ordinance and the allied regulations. Actions appropriate under the said Ordinance or other enactment might be taken if contravention was found. Formal submission by an authorized person for any proposed works was required under the Buildings Ordinance. If the site abut on a street of less than 4.5m wide, development intensity of the site should be determined under B(P)R 19(2) during plans submission stage; and

- (g) to note the comments of the Director of Agriculture, Fisheries and Conservation on the need to ensure the warehouse use would not cause ecological impacts to the surrounding areas and take the relevant measures to avoid adverse environmental and ecological impacts.

[Open Meeting (Presentation and Question Sessions Only)]

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|--------|-------------|--|
| (viii) | A/YL-ST/338 | Proposed House<br>(New Territories Exempted House (NTEH) - Small House)<br>in “Green Belt” zone,<br>Lot 453A in DD 99, Chau Tau Tsuen, San Tin, Yuen Long<br>(RNTPC Paper No. A/YL-ST/338) |
| <hr/>  |             |  |
| (ix)   | A/YL-ST/339 | Proposed House<br>(New Territories Exempted House (NTEH) - Small House)<br>in “Green Belt” zone,<br>Lot 453B in DD 99, Chau Tau Tsuen, San Tin, Yuen Long<br>(RNTPC Paper No. A/YL-ST/339) |
| <hr/>  |             |  |

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

Presentation and Question Sessions

106. 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) proposed house (New Territories Exempted House (NTEH) - Small House) for each of the two applications;
- (c) departmental comments – the Chief Town Planner/Urban Design and Landscape had reservation on the applications as the sites were generally flat and currently used as farmland. They were located in the middle of

the active agricultural land and formed an important rural landscape resource in the overall landscape context. The proposed developments, even with landscape mitigation measures, would still lead to adverse landscape impact through fragmentation of the agricultural land and degradation of the existing landscape character as well as cumulative adverse landscape impacts of similar developments;

- (d) two public comments from green groups were received during the statutory publication period objecting on grounds that the applications were not in line with the planning intention of the area and not compatible with the active agricultural land in the vicinity, as well as causing undesirable landscape and drainage impacts on the surrounding areas; and
  
- (e) the Planning Department (PlanD)'s views –PlanD did not support the two applications for reasons as detailed in paragraph 13.1 of the Papers. The proposed Small Houses were not in line with the planning intention of the “Green Belt” (“GB”) zone and would lead to fragmentation of the actively cultivated agricultural land and degradation of the existing landscape character. The proposed developments did not meet the Interim Criteria for Consideration of Application for New Territories Exempted House/Small House in New Territories (the Interim Criteria) in that the application sites fell outside “Village Type Development” (“V”) zone and there was no shortage of land within the adjoining “V” zone for Chau Tau Tsuen to meet the forecast demand for Small House development. Approval of the applications would set undesirable precedents for other similar applications within the “GB” zone leading to adverse cumulative impacts on the environment and infrastructural provisions. Although the sites were the subject of a previous planning approval (Application No. A/YL-ST/7), it was given before the adoption of the Interim Criteria. Three similar applications submitted after the Interim Criteria was adopted were rejected. There were two public comments objecting to the applications.

107. In response to a Member's question, Mr. Anthony Lee, STP/TMYL, advised that

the approved previous application (No. A/YL-ST/7) covering the two application sites was submitted by a different applicant. The development was not commenced and the planning permission lapsed on 22.3.1998.

### Deliberation Session

108. Members noted that no planning approval was given to similar applications in the area after the adoption of the Interim Criteria. The proposed developments did not meet the Interim Criteria and should be rejected.

109. After deliberation, the Committee decided to reject Applications No. A/YL-ST/338 and A/YL-ST/339 and the reasons for each application were :

- (a) the proposed development was not in line with the planning intention of the “Green Belt” (“GB”) zone which was to define the limits of urban and suburban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets. No strong justification had been given in the submission for a departure from such planning intention;
- (b) the proposed development did not meet the Interim Criteria for Consideration of Application for New Territories Exempted House/Small House in New Territories in that the application site falls outside “Village Type Development” (“V”) zone and there was no shortage of land within the adjoining “V” zone for Chau Tau Tsuen to meet the demand forecast for Small House development. There was insufficient information in the submission to demonstrate that land was not available within the “V” zone in the area for the proposed development;
- (c) there was insufficient information in the submission to demonstrate that the proposed development would not have adverse landscape and drainage impacts on the surrounding area; and
- (d) approval of the proposed development would set an undesirable precedent

for other similar applications within the “GB” zone. The cumulative effect of approving such applications would have adverse impacts on the environment and infrastructure provisions of the area.

[Open Meeting (Presentation and Question Sessions Only)]

- (x)            A/YL-ST/340            Proposed Temporary Water-based Golf Driving Range and Ancillary Facilities for a Period of 3 Years in “Other Specified Uses” annotated “Comprehensive Development and Wetland Enhancement Area” and “Other Specified Uses” annotated “Comprehensive Development to include Wetland Restoration Area” zones, Lot 768RP(Part) in DD 99, Lots 5, 6, 183(Part), 185, 186, 187 and 188 in DD 105, San Tin, Yuen Long (RNTPC Paper No. A/YL-ST/340)
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Presentation and Question Sessions

110.            The Committee noted that the applicant’s representative on 30.8.2007 requested for a deferment of the consideration of the application to allow time to resolve technical concerns of relevant Government departments.

Deliberation Session

111.            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 agreed that the application should be submitted to the Committee for consideration within two months from the date of receipt of additional information from the applicant. The Committee also agreed to advise the applicant that two months were allowed for preparation of the submission of the further information, and no further deferment would be granted unless under very special circumstances.

[Open Meeting (Presentation and Question Sessions Only)]

- (xi) A/YL-KTS/405 Renewal of Planning Approval for Temporary ‘Open Storage of Construction Materials, Vehicles and Vehicle Parts and Parking of Concrete Delivery Vehicles’ Uses for a Period of 6 Months in “Other Specified Uses” annotated “Rural Use” zone, Lots 395RP(Part) and 398RP in DD 106 and Adjoining Government Land, Kam Sheung Road, Yuen Long (RNTPC Paper No. A/YL-KTS/405)
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Presentation and Question Sessions

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

- (a) background to the application;
- (b) renewal of planning approval for temporary open storage of construction materials, vehicles and vehicle parts and parking of concrete delivery vehicles for a period of 6 months;
- (c) departmental comments – no objection or no adverse comment from concerned Government departments was received;
- (d) no public comment was received during the statutory publication period and no local objection/view was received by the District Officer; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application for reasons as detailed in paragraph 12.2 of the Paper.

113. Members had no question on the application.

Deliberation Session

114. After deliberation, the Committee decided to approve the application on a

temporary basis for a period of 6 months until 14.3.2008, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no night-time operation between 6:00 p.m. and 9:00 a.m., as proposed by the applicant, was allowed on the application site during the planning approval period;
- (b) no operation on Sundays and public holidays was allowed on the application site during the planning approval period;
- (c) no vehicle dismantling, maintenance, repairing, washing, paint spraying and other workshop activities should be carried out on the application site at any time during the planning approval period;
- (d) the setting back of the development from the works limit of the “Yuen Long, Kam Tin, Ngau Tam Mei and Tin Shui Wai Drainage Improvement Stage 1, Phase 2B” project at all times during the planning approval period;
- (e) the provision of boundary fence (to be painted in dark green) within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 14.12.2007;
- (f) the submission of landscape proposal within 2 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 14.11.2007;
- (g) in relation to (f) above, the implementation of landscape proposal within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 14.12.2007;
- (h) the submission of a revised drainage proposal based on the updated site boundary within 2 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 14.11.2007;

- (i) in relation to (h) above, the implementation of drainage proposal within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 14.12.2007;
- (j) the submission of fire service installations proposal within 2 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 14.11.2007;
- (k) in relation to (j) above, the provision of fire service installations within 3 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 14.12.2007;
- (l) if any of the above planning conditions (a), (b), (c) or (d) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (m) if any of the above planning conditions (e), (f), (g), (h), (i), (j) or (k) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and
- (n) upon expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the TPB.

115. The Committee agreed to remind the applicant that the permission was given to the uses under application. It did not condone any other use which currently exists on the site but not covered by the application. The applicant should take immediate action to discontinue such use not covered by the permission.

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

- (a) note the District Lands Officer/Yuen Long, Lands Department's comments that unauthorised structures have been found on the site and Government land within the site had been occupied without prior approval. Moreover, Government land to the north of the site had been fenced off. The lot owner(s)/occupier should apply to his office for regularisation of the unauthorised structures on private land and illegal occupation on the adjoining Government land after obtaining the planning approval. However, his office did not guarantee the approval upon receipt of the applications;
- (b) note the Assistant Commissioner for Transport/New Territories, Transport Department's comments that the land status and the management and maintenance responsibilities of the proposed access road leading to the site from Kam Sheung Road should be checked;
- (c) note the Chief Highway Engineer/New Territories West, Highways Department's comments that his department was not/should not be responsible for the maintenance of any existing vehicular access connecting the application site and Kam Sheung Road;
- (d) note the Chief Engineer/Special Duties, Railway Development Office, Highways Department's comments that Kowloon-Canton Railway Corporation should have the right to access the site to carry out any necessary site investigation works for the Express Rail Line project during the approval period;
- (e) note the Director of Fire Services' comments that relevant building plans with detailed layout of the structures erected within the premises incorporating the proposed fire service installations should be submitted to his Department for approval even though the submission of general building plans was not required under the Buildings Ordinance;
- (f) consult the Dangerous Goods Division, Licensing & Certification Command of Fire Services Department regarding licensing of the premises

for storage/use of dangerous goods;

- (g) note the Director of Electrical and Mechanical Services' comments that prior to establishing any structure within the site, he 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. He and his contractors should also observe the 'Code of Practice on Working near Electricity Supply Lines' established under the Electricity Supply Lines (Protection) Regulation when carrying out works in the vicinity of electricity supply lines; and
- (h) follow the latest 'Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites' issued by the Environmental Protection Department.

[Professor Peter R. Hills left the meeting at this point.]

[Open Meeting (Presentation and Question Sessions Only)]

- (xii) A/YL-PH/544 Temporary Open Storage of Construction Materials and Machinery for a Period of 3 Years in "Residential (Group D)" zone, Lot 2899 in DD 111, Pat Heung, Yuen Long (RNTPC Paper No. A/YL-PH/544)
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#### Presentation and Question Sessions

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

- (a) background to the application;
- (b) the temporary open storage of construction materials and machinery for a period of three years;
- (c) departmental comments – no objection or no adverse comment from

concerned Government departments was received;

- (d) one public comment was received during the statutory publication period objecting on grounds of adverse impacts on security, ecology and residents' health, as well as the existence of a lot of vacant open storage sites in the area and therefore remote farmland should not be converted to open storage use; and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the application could be tolerated for reasons as detailed in paragraph 12.2 of the Paper. The temporary applied use was not incompatible with the surrounding land uses which comprised mainly open storages uses. The development was generally in line with the Town Planning Board Guidelines for 'Application for Open Storage and Port Back-up Uses' (TPB PG-No. 13D) in that previous planning approval for the same use had been granted and all the approval conditions had been complied with. The Director of Environmental Protection (DEP) considered that bulky vehicles could unlikely access the site via its north due to the narrowness of the access road and therefore would not pass through the sensitive receivers to the northwest. No environmental complaint for the site was received in the past three years. Approval conditions were suggested to restrict the operation hours, vehicles used and the activities on site. Although there was a public comment objecting on grounds of adverse impacts, concerned Government departments had no objection and approval conditions were suggested to mitigate any possible adverse impacts.

118. Members had no question on the application.

#### Deliberation Session

119. In response to the Chairperson's enquiry, Mr. Frederick S.T. Ng, STP/TMYL, advised that a domestic structure was found within the application site but no public comment/complaint in this regard had been received.

120. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 14.9.2010, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no repairing, maintenance, dismantling and workshop activities were allowed on the site at any time during the planning approval period;
- (b) no heavy vehicles, i.e. over 24 tonnes, were allowed for the operation of the site at any time during the planning approval period;
- (c) no night-time operation between 6:00 p.m. and 9:00 a.m., as proposed by the applicant, was allowed on the site during the planning approval period;
- (d) no operation on Sundays and public holidays was allowed on the site during the planning approval period;
- (e) the drainage facilities on the site implemented under the previous application No. A/YL-PH/421 should be maintained at all times during the planning approval period;
- (f) the landscape planting on the site implemented under the previous application No. A/YL-PH/421 should be maintained at all times during the planning approval period;
- (g) if any of the above planning conditions (a), (b), (c), (d), (e) or (f) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice; and
- (h) upon the expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the TPB.

121. The Committee agreed to remind the applicant that the permission was given to

the use under application. It did not condone any other use which currently existed on the site but not covered by the application. The applicant should take immediate action to discontinue such use not covered by the permission.

122. The Committee also agreed to advise the applicant :

- (a) that prior planning permission should have been obtained before commencing the applied use at the application site;
- (b) to resolve any land issues relating to the development with the concerned owners of the site;
- (c) to note the District Lands Officer/Yuen Long, Lands Department's comments that no structures were allowed to be erected without prior approval from his Office. An unauthorized structure was found erected on the site without prior approval from his Office. His Office reserved the right to take enforcement action against the irregularity as appropriate. It was presumed that the existing structure found on site referred to the watchman shed as mentioned in the application. However, it was noted that the built-over area (BOA) of the structure was about 28m<sup>2</sup> but the applicant claimed that the watchman shed had a BOA of 16m<sup>2</sup> only. The applicant should clarify the discrepancy. The applicant/landowner(s) should apply to his Office for Short Term Waiver for the regularization of structure(s) on the lot;
- (d) to note the Assistant Commissioner for Transport/New Territories, Transport Department's comments that the land status of the proposed access road between the site and Kam Tin Road should be checked. Furthermore, the management and maintenance responsibility of the access road leading to the site from Kam Tin Road should also be checked;
- (e) to note the Chief Highway Engineer/New Territories West, Highways Department's (HyD) comments that HyD was not/should not be responsible for the maintenance of any existing vehicular access connecting

the site and Kam Tin Road;

- (f) to follow the latest 'Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites' issued by Environmental Protection Department for implementation of appropriate mitigation measures;
- (g) to note the Chief Engineer/Development (2), Water Supplies Department (WSD)'s comments that for provision of water supply to the development, the applicant might need to extend his/her inside services to the nearest suitable Government water mains for connection. The applicant should resolve any land matter (such as private lots) associated with the provision of water supply and should be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD's standards;
- (h) to note the Chief Building Surveyor/New Territories West, Buildings Department's comments that all unauthorized structures on the site should be removed. All building works were subject to compliance with the Buildings Ordinance. Authorized Person must be appointed to coordinate all building works. The granting of planning approval should not be construed as an acceptance of the unauthorized structures on site under the Buildings Ordinance. Enforcement action might be taken to effect the removal of all unauthorized works in the future; and
- (i) to note the Director of Electrical and Mechanical Services' comments that there were low voltage overhead lines and ducted cables within the site. 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. Moreover, 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/ducted cables from the site of the proposed

development.

[Open Meeting (Presentation and Question Sessions Only)]

- (xiii)      A/YL-PH/545      Temporary Horse Riding School for a Period of 3 Years  
in “Agriculture” zone,  
Lots 2832, 2833, 2834, 2835, 2836, 2837 and 2838 in  
DD 111, Wang Toi Shan, Pat Heung, Yuen Long  
(RNTPC Paper No. A/YL-PH/545)
- 

Presentation and Question Sessions

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

- (a)      background to the application;
- (b)      the temporary horse riding school for a period of three years;
- (c)      departmental comments – no objection or no adverse comment from concerned Government departments was received;
- (d)      one public comment was received during the statutory publication period objecting on grounds of tree felling, blockage of public passageway and adverse environmental impact; and
- (e)      the Planning Department (PlanD)’s views – PlanD considered that the application could be tolerated for reasons as detailed in paragraph 12.2 of the Paper. The development was recreational and educational in nature and was not incompatible with the surrounding wooded hill slopes and Lam Tsuen Country Park. Previous planning approval for the same use had been granted and all the approval conditions were complied with. The applied use would unlikely have significant adverse impacts on the surrounding areas and concerned Government departments had no objection. Approval conditions were suggested in response to the

technical concerns raised by departments on landscape, drainage and fire safety aspects. An advisory clause was suggested on the need to follow “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” to minimise any possible environmental impacts. Although there was a public objection, concerned Government departments had no objection and approval conditions were suggested on tree preservation and landscape planting.

124. Members had no question on the application.

#### Deliberation Session

125. Members considered the small-scale recreational development with previous approval could be approved.

126. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 14.9.2010, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) the existing trees and landscape planting on the site should be maintained at all times during the planning approval period;
- (b) the submission of drainage proposals within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 14.3.2008;
- (c) in relation to (b) above, the provision of drainage facilities within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 14.6.2008;
- (d) the submission of fire service installations proposals within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 14.3.2008;

- (e) in relation to (d) above, the provision of fire service installations within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 14.6.2008;
- (f) if the above planning condition (a) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (g) if any of the above planning conditions (b), (c), (d) or (e) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and
- (h) upon the expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the TPB.

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

- (a) note that renewal of planning permission should have been obtained before continuing the applied use at the application site;
- (b) resolve any land issues relating to the development with the concerned owners of the site;
- (c) note the District Lands Officer/Yuen Long, Lands Department's comments that no structures were allowed to be erected without prior approval from his office. Site inspection revealed that three unauthorised structures were erected on the subject site without prior approval from his office. His office reserved the right to take enforcement action against this irregularity. One of the structures had extended to Lot No. 2831 which was outside the application boundary. Clarification on the actual occupation boundary should be provided. The applicant should be advised to apply to his office for regularisation of the erection of unauthorised structures. However, his office did not guarantee the approval upon receipt of application;

- (d) note the Assistant Commissioner for Transport/New Territories, Transport Department's comments that the land status of the proposed access road between the site and Fan Kam Road and the management and maintenance responsibility of the access road leading to the site from Fan Kam Road should be checked;
- (e) note the Chief Highway Engineer/New Territories West, Highways Department's comments that his department was not/should not be responsible for the maintenance of any existing vehicular access connecting the site and Fan Kam Road;
- (f) note the Director of Fire Services' comments that detailed fire safety requirements would be formulated upon receipt of formal submission of general building plans. The fire service installations (FSIs) proposal submitted by the applicant directly to his department in parallel to the s.16 application was considered unacceptable and the applicant should resubmit building plans incorporated with the proposed FSIs to his department for approval even though the submission of general building plans was not required under the Buildings Ordinance (BO);
- (g) note the Chief Engineer/Development (2), Water Supplies Department's (WSD) comments that for provision of water supply to the development, the applicant might need to extend his inside services to the nearest Government water mains for connection. The applicant should resolve any land matter (such as private lots) associated with the provision of water supply and should be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD's standards;
- (h) note the Director of Electrical and Mechanical Services' comments that there were low voltage overhead lines in the vicinity of the site and 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;

- (i) note the Chief Building Surveyor/New Territories West, Buildings Department's comments that the granting of planning approval should not be construed as condoning any structures existing on the site under the Buildings Ordinance (BO) and the allied regulations. Actions appropriate under the said Ordinance or other enactment might be taken if contravention was found. Formal submission of any proposed new works including any temporary structure for approval under the BO was required. If the site was not abutting on a street having a width of not less than 4.5m, the development intensity should be determined under B(P)R 19(3) at building plan submission stage; and
  
- (j) adopt environmental mitigation measures as set out in the "Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites" issued by the Director of Environmental Protection (DEP) to minimise any possible environmental nuisances. Regarding the sewerage arrangement of the proposed use, the applicant was advised to observe the requirements under the Water Pollution Control Ordinance and the applicant could approach DEP's Regional Office (North) for more details.

[Dr. James C.W. Lau left the meeting temporarily at this point.]

[Open Meeting (Presentation and Question Sessions Only)]

- (xiv) A/YL-PH/546 Temporary Open Storage of Construction Materials and Machinery for a Period of 3 Years in "Residential (Group D)" and "Agriculture" zones, Lots 2879(Part), 2881(Part), 2888(Part), 2889(Part), 2890(Part) and 2900(Part) in DD 111, Pat Heung, Yuen Long  
(RNTPC Paper No. A/YL-PH/546)
-

Presentation and Question Sessions

128. The Committee noted that the applicant on 5.9.2007 requested for a deferment of the consideration of the application to allow time to prepare landscape and drainage proposals for the proposed use.

Deliberation Session

129. 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 agreed that the application should be submitted to the Committee for consideration within two months from the date of receipt of additional information from the applicant. The Committee also agreed to advise the applicant that two months were allowed for preparation of the submission of the further information, and no further deferment would be granted unless under very special circumstances.

[Open Meeting (Presentation and Question Sessions Only)]

- (xv) A/YL-TYST/361 Temporary Warehouse for Storage of Construction Materials, Carpets and Porcelains with Ancillary Office for a Period of 3 Years in “Undetermined” zone, Lot 1241(Part) in DD 119, Tong Yan San Tsuen, Yuen Long  
(RNTPC Paper No. A/YL-TYST/361)
- 

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the temporary warehouse for storage of construction materials, carpets and porcelains with ancillary office for a period of three years;

- (c) departmental comments – no objection or no adverse comment from concerned Government departments was received;
- (d) one public comment was received during the statutory publication period objecting on ground that approval of this kind of applications would turn the traditional residential neighbourhood in the area into a ruin of warehouses, disturbing the local residents; and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the application could be tolerated for reasons as detailed in paragraph 11.1 of the Paper. The warehouse use was not in conflict with the planning intention for the subject “Undetermined” (“U”) zone which was intended to cater for the continuing demand for open storages unable to be accommodated in conventional godown premises. It was not incompatible with the surrounding land uses which comprised mainly open storage yards, warehouses and workshops. The development was generally in line with the Town Planning Board Guidelines for ‘Application for Open Storage and Port Back-up Uses’ (TPB PG-No. 13D) in that previous planning approval for the same use had been granted and all the approval conditions had been complied with. There had been no material change in the planning circumstances since the last approval. The applied use would unlikely have significant adverse impacts on the surrounding areas and concerned Government departments had no objection. Moreover, the site was directly accessible via a local track leading from Kung Um Road and the traffic generated was minimal. Approval conditions were suggested to restrict the operation hours, vehicles used and the activities on site and advisory clause was suggested on the need to follow “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” to minimise any possible environmental impacts. Although there was a public comment objecting on environmental ground, concerned Government departments had no objection and approval conditions were suggested to mitigate any possible adverse impacts.

131. Members had no question on the application.

[Dr. James C.W. Lau returned to join the meeting at this point.]

#### Deliberation Session

132. Members considered the application in the subject “U” zone and amidst similar uses in the area could be tolerated.

133. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 14.9.2010, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no night-time operation between 7:00 p.m. and 7:00 a.m. was allowed on the site during the planning approval period;
- (b) no operation on Sundays or public holidays was allowed during the planning approval period;
- (c) no open storage or workshop activities should be carried out on the application site at any time during the planning approval period;
- (d) no heavy vehicles, i.e. over 24 tonnes, were allowed for the operation of the site at any time during the planning approval period;
- (e) the existing landscape planting on the application site should be maintained at all times during the planning approval period;
- (f) the existing drainage facilities on the application site should be maintained at all times during the planning approval period;
- (g) the submission of fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 14.3.2008;

- (h) in relation to (g) above, the provision of fire service installations within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 14.6.2008;
- (i) if any of the above planning conditions (a), (b), (c), (d), (e) or (f) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (j) if any of the above planning conditions (g) or (h) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and
- (k) upon the expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the TPB.

134. The Committee also agreed to advise the applicant :

- (a) that prior planning permission should have been obtained before commencing the applied use at the application site;
- (b) to note the Assistant Commissioner for Transport/New Territories, Transport Department's comments that the land status of the road/path/track leading to the site should be checked with the lands authority. The management and maintenance responsibilities of the same road/path/track should be clarified and the relevant lands and maintenance authorities should be consulted accordingly;
- (c) to note the Chief Highway Engineer/New Territories West, Highways Department's comments that his office did not maintain the access track between the site and Kung Um Road;

- (d) to follow the latest 'Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites' issued by the Environmental Protection Department;
- (e) to note the Chief Engineer/Development (2), Water Supplies Department (WSD)'s comments that for provision of water supply to the development, the applicant might need to extend his inside services to the nearest suitable Government water mains for connection. The applicant should resolve any land matter (such as private lots) associated with the provision of water supply and should be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD's standards; and
- (f) to note the Director of Fire Services' comments that relevant building plans incorporating the proposed fire service installations should be submitted to Fire Services Department for approval even though the submission of general building plans was not required under the Buildings Ordinance. In formulating the fire service installations proposal, the applicant should make reference to the requirements as stipulated in paragraph 4.29 "Industrial/Godown Buildings – Low Rise" of the current version of the Codes of Practice for Minimum Fire Service Installations and Equipment.

[Open Meeting (Presentation and Question Sessions Only)]

- (xvi) A/YL-TYST/362 Temporary Warehouse for Storage of Metal Frames for a Period of 3 Years in "Undetermined" zone, Lot 785 in DD 117, Kung Um Road, Yuen Long  
(RNTPC Paper No. A/YL-TYST/362)
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Presentation and Question Sessions

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

- (a) background to the application;

- (b) the temporary warehouse for storage of metal frames for a period of three years;
- (c) departmental comments – the Director of Environmental Protection (DEP) did not support the application as there were sensitive uses in the vicinity of the site and environmental nuisance was expected. The Assistant Commissioner for Transport/New Territories (AC for T/NT) requested the Committee to consider if the approval of the application would set an undesirable precedent for other similar applications in the surrounding areas. It was considered that approving such similar applications might induce cumulative adverse traffic impact on the nearby road network. Other Government departments consulted had no objection or no adverse comments on the application;
- (d) one public comment was received during the statutory publication period objecting on ground that approval of this kind of applications would turn the rural residential neighbourhood into a ruin and create nuisances to the local residents. There were many vacant industrial buildings in the urban area to accommodate these uses; and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the application could be tolerated for reasons as detailed in paragraph 11.1 of the Paper. The warehouse use was not in conflict with the planning intention for the subject "Undetermined" ("U") zone which was intended to cater for the continuing demand for open storages unable to be accommodated in conventional godown premises. It was not incompatible with the surrounding land uses which comprised mainly open storage yards, warehouses and workshops. Although DEP did not support the application and AC for T/NT raised concern on cumulative traffic impact, the proposal was in fact a warehouse which was small in scale and the storage of goods was within an enclosed situation, hence significant environmental impact on the surrounding area was not envisaged. The site was also directly accessible via a local track leading

from Kung Um Road without any sensitive receivers along the access. The traffic generated would be minimal and infrequent as the applicant indicated that there would only be about four vehicular trips of vehicles under 5.5 tonnes per month. Approval conditions were suggested to restrict the operation hours, vehicles used and the activities on site and advisory clause was suggested on the need to follow “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” to minimise any possible environmental impacts. Although there was a public comment objecting on environmental ground, approval conditions were suggested to mitigate any possible adverse impacts.

136. Members had no question on the application.

[Mr. B.W. Chan left the meeting temporarily at this point.]

#### Deliberation Session

137. Members noted that there were many open storage yards, warehouses and workshops along Kung Um Road and considered that the application could be tolerated.

138. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 14.9.2010, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no night-time operation between 11:00 p.m. and 7:00 a.m. was allowed on the site during the planning approval period;
- (b) no operation on Sundays or public holidays was allowed during the planning approval period;
- (c) no open storage or workshop activities should be carried out on the application site at any time during the planning approval period;
- (d) no vehicles over 5.5 tonnes were allowed for the operation of the site at any

time during the planning approval period;

- (e) the submission of landscape proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 14.3.2008;
- (f) in relation to (e) above, the implementation of landscape proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 14.6.2008;
- (g) the submission of drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 14.3.2008;
- (h) in relation to (g) above, the provision of drainage facilities within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 14.6.2008;
- (i) the submission of fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 14.3.2008;
- (j) in relation to (i) above, the provision of fire service installations within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 14.6.2008;
- (k) if any of the above planning conditions (a), (b), (c) or (d) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (l) if any of the above planning conditions (e), (f), (g), (h), (i) or (j) 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

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

139. The Committee also agreed to advise the applicant :

- (a) that prior planning permission should have been obtained before commencing the applied use at the application site;
- (b) to resolve any land issues relating to the development with the concerned owner(s) of the application site;
- (c) to note the District Lands Officer/Yuen Long, Lands Department's comments that unauthorised structures had been found on the site and Government land adjoining the site had been occupied without prior approval. His office would take lease enforcement/land control action. The applicant was reminded to apply for a Short Term Waiver (STW) and a Short Term Tenancy (STT) to regularise the irregularities on site. Should no STW/STT application be received/approved and the irregularities persist on site, his office would take appropriate lease enforcement action against the registered owner/occupier;
- (d) to note the Assistant Commissioner for Transport/New Territories, Transport Department's comments that the land status of the road/path/track leading to the site should be checked with the lands authority. The management and maintenance responsibilities of the same road/path/track should be clarified and the relevant lands and maintenance authorities should be consulted accordingly;
- (e) to note the Chief Highway Engineer/New Territories West, Highways Department's comments that his office did not maintain the vehicular access track between the site and Kung Um Road;

- (f) to follow the latest 'Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites' issued by the Environmental Protection Department;
- (g) to note the Director of Fire Services' comments that relevant building plans incorporating the proposed fire service installations should be submitted to Fire Services Department for approval even though the submission of general building plans was not required under the Buildings Ordinance.

[Open Meeting (Presentation and Question Sessions Only)]

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| (xvii) | A/TM/357 | Proposed House (Redevelopment of Existing House)<br>in "Green Belt", "Government, Institution or Community"<br>and "Road" zones,<br>436 Castle Peak Road, Tuen Mun<br>(Lot 977RP and Extension in DD 131)<br>(RNTPC Paper No. A/TM/357) |
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Presentation and Question Sessions

140. The Committee noted that the applicant's representative on 27.8.2007 requested for a further deferment of the consideration of the application to allow time to prepare a revised environmental impact assessment to address the comments of the Director of Environmental Protection on the traffic noise and potential air pollution impacts on the proposed development.

Deliberation Session

141. 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 agreed that the application should be submitted to the Committee for consideration within two months from the date of receipt of additional information from the applicant. The Committee also agreed to advise the applicant that two months were allowed for preparation of the submission of the further information, and no further

deferment would be granted unless under very special circumstances.

[Open Meeting (Presentation and Question Sessions Only)]

- (xviii) A/TM-LTY Y/158 Proposed Comprehensive Residential Development (Amendments to a Development Scheme Previously Approved under Application No. A/TM-LTY Y/109) in “Comprehensive Development Area” and “Green Belt” zones, Lots 837RP, 839A, 841, 1035RP, 1037RP and 2527RP(Part) in DD 130 and Adjoining Government Land, Lam Tei, Tuen Mun  
(RNTPC Paper No. A/TM-LTY Y/158)
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Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed comprehensive residential development (amendments to a development scheme previously approved under Application No. A/TM-LTY Y/109);
- (c) departmental comments – no objection or no adverse comment from concerned Government departments was received;
- (d) four public comments were received during the statutory publication period with three supporting and one suggesting that Fuk Hang Tsuen Road needed improvement to cope with the traffic generated by the proposed development; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application for reasons as detailed in paragraph 11.1 of the Paper. With regard to the public comment that Fuk Hang Tsuen Road needed

improvement, the current scheme involved a reduction in the total number of flats from 198 to 162, and relevant Government departments including the Transport Department and Highways Department had no objection to the application.

143. Members had no question on the application.

#### Deliberation Session

144. After deliberation, the Committee decided to approve the Master Layout Plan (MLP) and the application, under sections 4A and 16 of the Town Planning Ordinance, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 14.9.2011, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

- (a) the submission and implementation of a revised MLP to take into account of conditions (b), (c), (e), (f) and (g) below, as well as adjustment to residential block disposition pattern, as proposed by the applicant, to the satisfaction of the Director of Planning or of the TPB;
- (b) the submission and implementation of Landscape Master Plan including a tree preservation scheme to the satisfaction of the Director of Planning or of the TPB;
- (c) the provision of vehicular and pedestrian access to the site as well as parking and loading/unloading spaces to the satisfaction of the Commissioner for Transport or of the TPB;
- (d) the submission of a drainage impact assessment and the provision of drainage facilities and flood mitigation measures identified therein to the satisfaction of the Director of Drainage Services or of the TPB;
- (e) the submission of a detailed Archaeological Investigation to assess the

archaeological impacts of the proposed works before any excavation works commence and implementation of mitigation measures identified therein to the satisfaction of the Antiquities and Monuments Office of the Leisure and Cultural Services Department or of the TPB;

- (f) the provision of emergency vehicular access, water supplies for fire fighting and fire service installations for the proposed development to the satisfaction of the Director of Fire Services or of the TPB;
- (g) the provision of public open spaces, as proposed by the applicant, to the satisfaction of the Director of Leisure and Cultural Services or of the TPB; and
- (h) the provision of vehicular and pedestrian access to Lot No. 1036 in DD 130 to the satisfaction of the Director of Lands or of the TPB.

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

- (a) revise the MLP to take into account the conditions of approval imposed by the Board. The approved MLP, together with the set of approval conditions, would be certified by the Chairman of the Board and deposited in the Land Registry in accordance with section 4(A)(3) of the Town Planning Ordinance. Efforts should be made to incorporate the relevant approval conditions into a revised MLP for deposition in the Land Registry as soon as practicable;
- (b) note the District Lands Officer/Tuen Mun, Lands Department's comments that there might be clearance and rehousing implications arising from including the "Green Belt" area into the site. For the purpose of good land management and subject to District Lands Conference approval, it was more appropriate to include the rest of Government land (i.e. the existing footpath) into the land exchange boundary with right of way reserved thereon in favour of the surrounding lots. He had no in-principle objection to the relocation proposal of the village office on the assumption

that it would solely be a private arrangement between the developer and the village representative concerned. The applicant should provide more information about the arrangement and he reserved the right to provide further comments on this aspect. The proposed regrant area was subject to survey and the tree retaining, felling and transplanting proposal as submitted was to be considered in future after completion of the land exchange process, if any, and formal submission of a tree-felling proposal was received from the applicant. The regrant area involving Government land presently occupied by squatters would have clearance and rehousing implications. Furthermore, his office had to be satisfied that the land concerned could not be separately alienated before it could be granted to the applicant. Details had to be sorted out in the land exchange implementation stage. Regarding the provision of public open space within the site, the applicant should advise whether any relevant Government department had agreed to take up the management and maintenance responsibility of the said space. It was considered unfair and undesirable if the management and maintenance responsibility of this public open space was finally shifted to subsequent flat owners of the future development. The applicant should apply to his office for a land exchange to effect the proposed development as soon as possible. Besides, since the boundary of the “Comprehensive Development Area” was in irregular shape, there might be a need to fine tune the boundary in the detailed implementation stage;

- (c) note the Chief Building Surveyor/New Territories West, Buildings Department’s comments that the proposed site could be sub-divided into 2 separate sites by the public footpath and the Lot no. 1036 adjoining Block 8. Each site should be self-sustainable in terms of the provision of access, lighting, ventilation, recreational facilities, open space, etc. and the plot ratio (PR) and site coverage (SC) should be capped under the First Schedule of the Building (Planning) Regulations (B(P)Rs). The public footpaths within the site(s) should be deducted from site area for the purpose of SC and PR calculations under B(P)Rs. The provision of Emergency Vehicular Access to the buildings within the site(s) should

comply with B(P)R 41D. The proposed clubhouse should be accountable for SC and PR calculations, unless otherwise exempted. Any internal streets, if required, should be deducted from site area for the purpose of SC and PR calculations under B(P)Rs. Detailed checking of the building layout would be made at building plan submission stage;

- (d) note the Chief Engineer/Development (2), Water Supplies Department (WSD)'s comments that the existing water mains would be affected. The developer should bear the cost of any necessary diversion works affected by the proposed development. In case it was not feasible to divert the affected water mains, a waterworks reserve within 1.5 metres from the centerline of the water main should be provided to WSD. No structure should be erected over this waterworks reserve and such area should not be used for storage purposes;
- (e) note the Antiquities and Monuments Office, Leisure and Cultural Services Department's comments that mitigation measures should be implemented to the satisfaction of the Antiquities and Monument Office if the site was proved to be of archaeological significance as revealed in the accepted Archaeological Investigation. The Archaeological Investigation should be conducted by a qualified archaeologist who should obtain a Licence from the Antiquities Authority under the Antiquities and Monuments Ordinance (Cap. 53);
- (f) note the Chief Town Planner/Urban Design & Landscape, Planning Department's comments that greenery space between the building blocks should be provided in order to allow the proposed development more blend in with the existing landscape context;
- (g) note the Director of Fire Services' comments that the Emergency Vehicular Access (EVA) fronting Block 9 exceeds 10m setback which was apparently unsatisfactory to his Department. Detailed fire safety requirements would be formulated upon receipt of formal submission of general building plans. Furthermore, the EVA in the site should comply with the standard as

stipulated in Part VI of the Code of Practice for Means of Access for Firefighting and Rescue under the Building Planning Regulation 41D;

- (h) note the Assistant Commissioner for Transport/New Territories, Transport Department's comments that the applicant should clarify the nature and the management/maintenance responsibility of the proposed "public footpaths" within the site; and
- (i) note the Director-General of Telecommunications comments that the applicant should be responsible for improvement works of television reception, including the cost incurred for any remedial measures, should the proposed development affect the free-to-air television reception in the areas of Lam Tei.

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

[Open Meeting (Presentation and Question Sessions Only)]

- (xix) A/TM-LTYT/159 Temporary Parking Areas for Dangerous Goods Vehicles, Office and Storage for a Period of 3 Years in "Village Type Development" zone, Lot 1981RP(Part) in DD 130 and Adjoining Government Land, Lam Tei, Tuen Mun  
(RNTPC Paper No. A/TM-LTYT/159)
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#### Presentation and Question Sessions

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

- (a) background to the application;
- (b) the temporary parking areas for dangerous goods vehicles, office and storage for a period of three years;
- (c) departmental comments – highlighting that the Director of Environmental

Protection (DEP) did not support the application as there were sensitive uses in the vicinity of the site and environmental nuisance was expected. The Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) commented that the developer should demonstrate that the proposed development would not cause increase in the risk of flooding in the adjacent areas;

- (d) two public comments were received during the statutory publication period objecting on environmental ground; and
- (e) the Planning Department (PlanD)'s views – PlanD did not support the application for reasons as detailed in paragraph 11.1 of the Paper. The temporary parking areas for dangerous goods vehicles, office and storage were not in line with the planning intention of the “Village Type Development” (“V”) zone and not compatible with the surrounding residential dwellings, the nearest one of which was only about 5m from the site boundary. There was insufficient information to demonstrate that the development would not generate adverse environmental and drainage impacts on the surrounding areas. DEP did not support the application as it would likely cause environmental nuisance to the sensitive receivers in the vicinity. CE/MN, DSD also raised concern on drainage aspect. The approval of the application would set an undesirable precedent for similar applications, the cumulative impact of which would lead to a general degradation of the environment in the area.

147. Members had no question on the application.

#### Deliberation Session

148. Members considered parking areas for dangerous goods vehicles, office and storage should not be located within the “V” zone.

149. 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 “Village Type Development” (“V”) zone which was to reflect existing recognized and other village, and to provide land considered suitable for village expansion and reprovision of village houses affected by Government projects. Land within “V” zone was primarily intended for development of Small Houses by indigenous villagers. No strong justification had been given in the submission for a departure from the planning intention, even on a temporary basis;
- (b) there was insufficient information to demonstrate that the development would not have adverse environmental and drainage impacts on the surrounding areas; and
- (c) no similar application was previously approved in the same and nearby “V” zones. The approval of the application would set an undesirable precedent for similar applications within the “V” zone. The cumulative effect of approving such applications would result in a general degradation of the environment of the area.

[Mr. Michael K.C. Lai left the meeting and Mr. B.W. Chan returned to join the meeting at this point.]

[Open Meeting (Presentation and Question Sessions Only)]

- (xx) A/TM-LTY Y/160 Proposed Temporary Parking Area for Private Car and Storage for a Period of 3 Years  
in “Residential (Group D)” and “Green Belt” zones,  
Lot 1103(Part) in DD 130, Lam Tei, Tuen Mun  
(RNTPC Paper No. A/TM-LTY Y/160)
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Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed temporary parking area for private car and storage for a period of three years;
- (c) departmental comments – no objection or no adverse comment from concerned Government departments was received;
- (d) two public comments were received during the statutory publication period and one local objection from residents of Fuk Hang Tsuen was received by the District Officer strongly objecting on the ground that the use did not reflect the current use for unauthorised vehicle repair and paint-spraying workshop which had caused serious environmental nuisances; and
- (e) the Planning Department (PlanD)'s views – PlanD did not support the application for reasons as detailed in paragraph 12.1 of the Paper. The proposed development was not in line with the planning intention of the “Residential (Group D)” (“R(D)”) and “Green Belt” (“GB”) zones. No strong justification had been given for a departure from the planning intention of these two zones. It was not compatible with the residential dwellings in the surrounding areas, in particular the nearby residential dwellings to the northwest and southwest of the site. No similar application was previously approved in the same and nearby “R(D)” and “GB” zones. Approval of the application would set an undesirable precedent for similar applications in these two zones. The cumulative impact of which would result in a general degradation of the environment. There were strong local objections to the proposed development.

151. A Member raised the following questions :

- (a) whether the current use for vehicle paint spraying workshop was not included in the application and so the Director of Environmental Protection (DEP) did not object to the application; and

- (b) whether a comparison could be made between this application and the two Town Planning Appeal cases No. 1/2005 and 2/2005 allowed by Town Planning Appeal Board (TPAB) reported under Matters Arising of the meeting.

152. In response, Mr. Wilson W.S. Chan confirmed that a vehicle paint spraying workshop was operating on the site but it was not a use included in the application. As such, DEP had no objection to the application. However, no similar application was previously approved in the same and nearby “R(D)” and “GB” zones and approval of the application would not set an undesirable precedent.

153. The Secretary said that the two Town Planning Appeal cases were related to the previous “Comprehensive Development Area (3)” zone in Nam Sang Wai. The sites were zoned “Other Specified Uses” annotated “Comprehensive Development to include Wetland Restoration Area” when the appeals were considered by the TPAB. As for the current application, the site fell within “GB” and “R(D)” zones. The applied use for parking purpose might be acceptable but Planning Department’s concern was related to the storage use.

154. In response to the Chairperson’s enquiry, Mr. Wilson W.S. Chan confirmed that the applied use was different from the current operation on the site. According to the applicant, the storage of furniture and other items would be inside a 35m<sup>2</sup> container located in the “R(D)” portion whilst the two parking spaces were located in the “GB” portion. The “GB” portion involved a very large site of about 140m<sup>2</sup> which might accommodate more vehicles than the two car parking spaces under application. Since no similar application was previously approved in the same and nearby “R(D)” and “GB” zones, approval of the application would set an undesirable precedent for similar applications in these two zones.

[Mr. Elvis W.K. Au left the meeting temporarily whilst Mr. Tony C.N. Kan returned to join the meeting at this point.]

#### Deliberation Session

155. Members noted that according to the applicant’s submission, only two car

parking spaces and a small amount of furniture would be stored on site. The storage would be in an enclosed container.

156. A Member queried if the applied use was a disguise to cover up the obnoxious vehicle paint spraying workshop. According to the public comments, the workshop had been in operation for some time without permission. However, some Members noted that the current application did not include the workshop use. The consideration of the application should focus on the applied use instead. The uses existing on site, including the vehicle paint spraying workshop, were already the subject of enforcement action by the Planning Authority. If the uses, including the workshop, continued on site without planning permission, enforcement action could be instigated by the Planning Authority.

157. Members agreed that a temporary approval of twelve months subject to conditions could be given. The applicant should be reminded that the permission was given to the use/development under application only. It did not condone any other use/development which currently existed on the site but not covered by the application. The site would be closely monitored by the Planning Authority and enforcement action would be taken if contravention of the Town Planning Ordinance continued.

158. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 12 months until 14.9.2008, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no operation between 11:00 p.m. and 7:00 a.m. was allowed on the site during the planning approval period;
- (b) no goods vehicles exceeding 5.5 tonnes in weight, including container vehicles and container trailers were allowed to be parked/stored on the site at any time during the planning approval period;
- (c) no vehicles without valid licences issued under the Traffic Regulations were allowed to be parked/stored on the site at any time during the planning approval period;

- (d) no vehicle dismantling, maintenance, repairing, cleansing, paint spraying and other workshop activities should be carried out on the site at any time during the planning approval period;
- (e) the submission of landscape proposals within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 14.12.2007;
- (f) in relation to (e) above, the implementation of the landscape proposals within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 14.3.2008;
- (g) the submission of drainage proposals within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 14.12.2007;
- (h) in relation to (g) above, the implementation of the drainage proposals within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 14.3.2008;
- (i) if any of the above planning conditions (a), (b), (c) or (d) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (j) if any of the above planning conditions (e), (f), (g) or (h) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and
- (k) upon the expiry of the planning permission, the reinstatement of the site to an amenity area to the satisfaction of the Director of Planning or of the TPB.

159. The Committee agreed to remind the applicant that the permission was given to

the use/development under application. It did not condone any other use/development which currently existed on the site but not covered by the application. The applicant should take immediate action to discontinue such use/development not covered by the permission.

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

- (a) a shorter approval period of 12 months and shorter compliance period were imposed so as to monitor the situation on site and fulfillment of approval conditions;
- (b) note the District Lands Officer/Tuen Mun, Lands Department's comment on the need to apply to his office for Short Term Waiver for erection of temporary structures at the site, to set back the metal gate and fencing to cease the unauthorised occupation of the above mentioned Government land;
- (c) note the Chief Building Surveyor/New Territories West, Buildings Department's comments that all unauthorized structures on site, which are liable to action under section 24 of the Buildings Ordinance (BO). The granting of planning approval should not be construed as an acceptance of the unauthorized structures on site under the Buildings Ordinance. Use of containers as offices was considered as temporary buildings which were subject to control under Building (Planning) Regulations (B(P)R) Part VII. Formal submission of the proposed development was required under the BO; and note the Building (Planning) Regulation 41D regarding the provision of emergency vehicular access to the site; and
- (d) follow the "Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites" issued by the Environmental Protection Department.

[Open Meeting (Presentation and Question Sessions Only)]

- (xxi) A/TM-LTYT/161 Temporary Open Storage of Marble and Granite  
for a Period of 3 Years  
in “Village Type Development” zone,  
Lot 3067 in DD 124, Lam Tei, Tuen Mun  
(RNTPC Paper No. A/TM-LTYT/161)
- 

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the temporary open storage of marble and granite for a period of three years;
- (c) departmental comments – highlighting that the Director of Environmental Protection (DEP) did not support the application as there were sensitive uses in the vicinity of the site and environmental nuisance was expected;
- (d) five public comments were received during the statutory publication period. The two village representatives of Chung Uk Tsuen and the Tuen Mun Rural Committee had no in-principle objection to the development, provided that it did not involve workshop activities and processing of stone materials, and no adverse environmental impacts would be resulted from the storage of marbles. A Tuen Mun District Councillor and a group of four private individuals objected on environmental and fung-shui grounds. One local view from the village representative of Chung Uk Tsuen was received by the District Officer stating the same position as mentioned in the comment submitted; and
- (e) the Planning Department (PlanD)’s views – PlanD did not support the application for reasons as detailed in paragraph 12.2 of the Paper. The temporary open storage of marble and granite was not in line with the

planning intention of the “Village Type Development” (“V”) zone and not compatible with the surrounding residential dwellings, the nearest one being only about 20m from the site boundary. DEP did not support the application on the ground that it would likely cause environmental nuisance to the sensitive receivers in the vicinity. The application was not in line with the Town Planning Board Guidelines for ‘Application for Open Storage and Port Back-up Uses’ (TPB PG-No. 13D) in that the site fell within Category 4 areas. There were no exceptional circumstances to justify approval and adverse departmental comments were received. No relevant technical assessments/proposals had been submitted to demonstrate that the applied use would not generate adverse environmental impacts on the surrounding areas. The approval of the application would set an undesirable precedent for similar applications, the cumulative impact of which would lead to a general degradation of the environment in the area.

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

162. Members had no question on the application.

#### Deliberation Session

163. Members considered the open storage use was not compatible with the surrounding residential dwellings within the “V” zone.

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

- (a) the development was not in line with the planning intention of the “Village Type Development” (“V”) zone which was to reflect existing recognized and other villages, and to provide land considered suitable for village expansion and re-provisioning of village houses affected by Government projects. Land within “V” zone was primarily intended for development of Small Houses by indigenous villagers. There was no strong

justification in the submission for a departure from such planning intention, even on a temporary basis;

- (b) the development was not compatible with the residential dwellings in the vicinity;
- (c) the application was not in line with the Town Planning Board Guidelines for 'Application for Open Storage and Port Back-up Uses' (TPB PG-No. 13D) in that there were no exceptional circumstances to justify approval, adverse departmental comments were received and no relevant technical assessments/proposals were submitted to demonstrate that the use would not generate adverse environmental impacts on the surrounding areas; and
- (d) no similar applications were previously approved in the "V" zone. The approval of the application would set an undesirable precedent, the cumulative impact of approving the application in the area would lead to a general degradation of the environment of the area.

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

165. The Chairman said that the remaining item in the Agenda would not be open for public viewing since it was in respect of an application submitted before the commencement of the Town Planning (Amendment) Ordinance 2004.

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

### **Agenda Item 9**

#### **Any Other Business**

166. There being no other business, the meeting was closed at 5:20 p.m..