

RESTRICTED

TOWN PLANNING BOARD

**Minutes of 321st Meeting of the
Rural and New Town Planning Committee held at 2:30 p.m. on 17.2.2006**

Present

Director of Planning
Mr. Bosco C.K. Fung

Chairman

Mr. Michael K.C. Lai

Vice-chairman

Mr. Alex C.W. Lui

Mr. C.K. Wong

Professor Nora F.Y. Tam

Mr. David W.M. Chan

Professor Peter R. Hills

Mr. Tony C.N. Kan

Mr. Edmund K.H. Leung

Dr. C.N. Ng

Mr. Alfred Donald Yap

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

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

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

Secretary

Absent with Apologies

Professor K.C. Ho

Mr. Francis Y.T. Lui

Ms. Carmen K.M. Chan

Dr. Lily Chiang

Professor David Dudgeon

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

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

In Attendance

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

Chief Town Planner/Town Planning Board
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 320th RNTPC Meeting held on 3.2.2006

1. The draft minutes of the 320th RNTPC meeting held on 3.2.2006 were confirmed subject to amendment to the last sentence in paragraph 104 of the minutes, which was amended to read “..... there were competing demands for the application site and a balance would need to be sorted out.”

Agenda Item 2

Matters Arising

(i) **Approval of Three Outline Zoning Plans**

2. The Secretary reported that the Chief Executive in Council (CE in C) approved the draft Tong Yan San Tsuen Outline Zoning Plan (OZP) No. S/YL-TYST/9A (renumbered S/YL-TYST/10), Tai Long Wan OZP No. S/SK-TLW/4A (renumbered S/SK-TLW/5) and Cheung Chau OZP No. S/I-CC/2A (renumbered S/I-CC/3) under section 9(1)(a) of the Town Planning Ordinance (the Ordinance) on 7.2.2006. The approval of these OZPs will be notified in the Gazette on 17.2.2006.

(ii) **Reference Back of one OZP**

3. The Secretary reported that the CE in C referred the approved Aberdeen and Ap Lei Chau OZP No. S/H15/21 to the Town Planning Board for amendment under section 12(1)(b)(ii) of the Ordinance on 7.2.2006. The reference back of the approved OZP for amendment will be notified in the Gazette on 17.2.2006.

[Mr. Tony C.N. Kan and Mr. Elvis W.K. Au arrived to join the meeting at this point.]

Sai Kung and Sha Tin District

[Mr. Michael C.F. Chan, District Planning Officer/Sai Kung and Sha Tin (DPO/SK&ST) and Mr. Eric K.S. TAM, Town Planner/Sho Tin (TP/ST), were invited to the meeting at this point.]

Agenda Item 3

Section 16 Applications

[Open Meeting (Presentation and Question Session only)]

- (i) A/SK-HC/126 Temporary Private Garden
for a Period of 3 Years
in ‘Road’ and “Village Type Development” zones,
Lots 1074B(Part), 1076RP(Part) in DD 244
and Adjoining Government Land,
Ho Chung New Village, Sai Kung
(RNTPC Paper No. A/SK-HC/126)
-

Presentation and Question Session

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

- (a) background to the application;
- (b) the temporary private garden use for a period of 3 years;
- (c) departmental comments – no objection from concerned Government departments was received;
- (d) two public comments were received during the publication period raising concern on the obstruction of emergency vehicular access (EVA) and parking, and that the protruded features would spoil the neat layout of the

housing estate; and

- (e) the Planning Department (PlanD)'s views – the private garden could be tolerated for a temporary period of 3 years for reasons as detailed in paragraph 10.1 of the Paper in that the garden use was not incompatible with the surrounding village houses; there was no implementation programme for the road; the site and the surrounding area were not intended for parking use; and adequate space had been provided for EVA purpose.

5. Members had the following questions on the application:

- (a) should the application be approved, whether an advisory clause should be included to ensure that the applicant would return the Government land concerned without dispute when the Government implemented the road project in future; and
- (b) whether any approval had been granted for the gardens in the adjacent village houses.

6. In response, Mr. Michael C.F. Chan made the following points:

- (a) agreed that an advisory clause as proposed by the Member could be included. The temporary garden use could also be reviewed at the end of the 3-year approval period taking into account the implementation programme for the road then. Meanwhile, the Highways Department had advised that there was no definite implementation programme; and
- (b) this was the first application for private garden use in the area. Another application had recently been submitted for the garden use in the adjoining house. It was believed that the Lands Department's (LandsD) enforcement action in the area had instigated some applications from the relevant owners and more applications might be expected.

Deliberation Session

7. A Member considered that approval of the application would set an undesirable precedent for similar applications in the area in future as there was a row of houses with private gardens being fenced off in the area. This Member was also concerned that the approval might pose difficulties for the construction of the road in future as more trees might be planted. As indicated in Plan A-4 of the Paper, some trees had already been planted in the garden.

8. In reply to the Chairman's question on views of the LandsD, Mr. Francis Ng advised that the LandsD had no objection to the application, which was to regularise an existing temporary use. Upon granting of a planning approval, the LandsD would process the application for Short Term Tenancy (STT) accordingly. He added that there would not be any title granted to the tenant of the private garden. When the road project was implemented in future, the STT would be cancelled.

9. A Member referred to the local objection in the letter at Appendix 3 of the Paper and raised concern that the garden under application would project into the existing access road compared with the garden frontage of the adjoining houses as shown in Plan A-2. Another Member was also of the view that the applicant should be asked to set back his garden to allow more space for EVA purpose.

10. A Member asked about the width of the access road between the walls of the house in the west and the subject private garden. The Chairman also enquired if emergency vehicles could use the gate next to the subject private garden as shown in Plans A-2 and A-4 of the Paper.

11. In response, Mr. Michael C.F. Chan advised that on-site measurement indicated that the existing access between the two walls amounted to 4.8m which was wide enough for fire engines to pass through. The gate was on the private lot No. 1065 and built by the developer of Dynasty Lodge. It was always kept closed whilst the gate at Nam Pin Wan Road in the south was the main entrance to this development and was always open.

Presumably, emergency vehicles could use this southern access point. The part protruding out was on private land owned by the applicant. The Director of Fire Services had no objection to the temporary garden as recorded in paragraph 8.3 of the Paper.

12. A Member considered that the temporary garden could be tolerated as the approval was only for 3 years and it would improve the amenity of the area. Members also noted that the granting of planning approval would not pre-empt the implementation of the road project in future.

13. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years up to 17.2.2009, 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 proposals within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 17.8.2006;
- (b) the implementation of tree preservation proposals within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 17.11.2006; and
- (c) if any of the above planning conditions (a) and (b) 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.

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

- (a) return the Government land within the application site upon demand by the District Lands Officer/Sai Kung without delay when the road project is implemented in future;
- (b) note the comments of the Director of Water Supplies that the applicant might need to extend the inside service to the nearest Government water

mains for connection, and to bear the cost and sort out the land matter associated with the main laying and subsequent maintenance of the water mains in private lots; and

- (c) consult the District Lands Officer/Sai Kung, Lands Department on the application for Short Term Tenancy for the proposed temporary private garden.

[Open Meeting (Presentation and Question Session only)]

- (ii) A/SK-PK/144 Temporary Fish Tanks
for a Period of 3 Years
in “Recreation” zone,
Lots 341(Part), 342(Part) and 343(Part) in DD 221,
Sai Kung
(RNTPC Paper No. A/SK-PK/144)
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Presentation and Question Session

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

- (a) background to the application;
- (b) the proposed temporary fish tanks for a period of 3 years;
- (c) departmental comments – the Director of Environmental Protection did not support the application as there was no information on sewage/waste discharges from the application site. Moreover, there were some village houses about 20m to the west of the application site and the residents there would be subject to noise nuisances resulted from the operation of the proposed development. The Assistant Commissioner for Transport/New Territories had reservation on the application as no information had been

provided on the access and loading/unloading arrangements for the transportation of seafood and other equipment. The Chief Town Planner/Urban Design and Landscape also had reservation as the proposed development would occupy the whole site and an existing mature tree on the site would be affected;

- (d) no public comment was received during the publication period but the District Officer/Sai Kung considered that the local residents nearby might have concern about the possible noise nuisances and parking problem associated with the proposed development; and
- (e) the Planning Department (PlanD)'s views – PlanD did not support the application for reasons as detailed in paragraph 10.1 of the Paper in that the discharged water from the fish tanks could be of high salinity and might contain various chemicals but no information had been provided on the provision of facilities for sewage treatment and/or the discharged water; there was insufficient information to demonstrate that the proposed development would not create noise nuisances to the nearby residents; no information had been provided on the access and loading/unloading arrangements for the transportation of seafood and other equipment; and the setting of an undesirable precedent for similar applications.

16. Members had no question on the application.

Deliberation Session

17. Members did not consider that the application site was suitable for the proposed development. Members also noted that the applicant should not have started construction before planning permission was obtained and approval from the Buildings Department was given.

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

Presentation and Question Session

20. Mr. Eric K.S. Tam, TP/ST, said that the applicant had prepared a video and requested that it be shown at the meeting. In response to a Member's enquiry on whether such request could be accepted, the Secretary said that the Committee had acceded to similar requests from other applicants before. In the instant case, the video mainly summarised the points already made in the written submission and could be shown for Members' information. The video was then shown at the meeting.

21. Mr. Eric K.S. Tam went on to present the paper and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed residential development;
- (c) departmental comments – the Director of Agriculture, Fisheries and Conservation (DAFC) had reservation on the application as the proposed development and new access road as well as the proposed alternative slope remedial works (applying sprayed concrete on the slopes) would result in extensive loss of trees and adverse impacts on the well-wooded area. The site investigation for the slope improvement works had already cleared the natural vegetation areas far beyond the registered man-made slopes and was unacceptable. The ecological assessment was unacceptable as it used the proposed trimmed slopes as the baseline and there was insufficient information in the assessment to evaluate the ecological impacts on the adjacent natural environment. The Chief Town Planner/Urban Design and Landscape (CTP/UD&L) objected to the application as the proposed development would result in significant site formation works, significant loss of trees and adverse impacts on the existing valuable natural landscape. The landscape impact assessment should be based on the existing situation comprising tree groups in the eastern slopes and a wooded knoll in the western portion rather than that

after the unsightly slope remedial works. The Assistant Commissioner for Transport/New Territories (AC for T/NT) objected to the application as approving it would set an undesirable precedent for similar applications in future, resulting in adverse cumulative traffic impact on the nearby road networks. Moreover, the proposed upgraded access road linking Tung Lo Wan Hill Road and the site was unplanned, and the spiral design near the site entrance was unacceptable. The Head of Geotechnical Engineering Office, Civil Engineering and Development Department (H(GEO), CEDD) also had reservation on the application as the slope remedial works proposed would result in extensive excavation and disturbance to the surrounding natural environment, and adverse visual impacts. It should be considered as the last resort and was unlikely the only technically feasible solution. Other Government departments had no objection to the application;

- (d) four public comments were received during the publication period raising objection to or concerns on the proposed development mainly on grounds of adverse impacts on the traffic, environment, water quality and slope stability in the surrounding areas. There were also four local objections on similar grounds and for fung shui reason received from the District Officer; and
- (e) the Planning Department (PlanD)'s views – PlanD did not support the application for reasons as detailed in paragraph 12.2 of the Paper in that the proposed development was not in line with the planning intention of “Green Belt” (“GB”) zone. There were no exceptional circumstances or strong justifications for a departure from the planning intention. The applicant's justification in the submission that the proposed residential development would be a much better alternative of slope stability measures as compared to applying of sprayed concrete on the slopes was unacceptable. Objections or reservations were expressed by several Government departments on both the proposed residential development and the slope improvement measures, including DAFC, AC for T/NT,

H(GEO), CEDD and CTP/UD&L as explained above. There were also local objections from traffic, environmental, natural landscape, water quality and fung shui points of view.

22. A Member enquired why the once densely wooded site as shown in the aerial photo at Plan A-3 of the Paper had turned into the current state where many of the trees were gone. Mr. Michael C.F. Chan, DPO/SK&ST, advised that the aerial photo was taken in 2003 when the site was densely wooded. According to the applicant, site investigation for slope works had since been undertaken and some of the slopes on the site were trimmed, which resulted in extensive loss of trees. There were also dangerous slopes in the area adjoining the site and the applicant's slope investigation works had led to landslides at adjacent slopes.

23. The same Member commented that such slope works and extensive clearance of the woodland had made the area less stable, and asked if the Government could control such action. In response, Mr. Michael C.F. Chan advised that the site was a private lot and the Government could not stop such works unless they had violated the relevant provisions in the Buildings Ordinance or restrictions in the lease.

24. In response to the Chairman's enquiry on the history of the zoning of the site, Mr. Michael C.F. Chan advised that the site was originally zoned "Residential (Group B)" ("R(B)") on the draft Sha Tin Outline Zoning Plan (OZP) gazetted in 1982. Following the recommendation of a planning and engineering assessment which concluded that a major part of To Fung Shan was not suitable for large-scale residential development on accessibility and landscaping grounds, the site and the adjoining area were rezoned to "GB" in 1983. During the exhibition period of the OZP, no objection had been received for the application site. However, there was one objection to the rezoning of another site in the area from "R(B)" to "GB". The TPB decided not to amend the OZP to meet the objection.

25. Noting that the site comprised two lots, Lot 379 and 380RP, a Member enquired about the location and lease provisions of Lot 379. Mr. Michael C.F. Chan replied that Lot 379 was a building lot in the middle of the application site encircled by 380RP, which was an agricultural lot. He also corrected a typo in the fourth line of paragraph 10.1.1 (a) where "389RP" should read "380RP".

26. A Member asked if the structures on site were existing uses and redevelopment could be up to the intensities of the existing structures. Mr. Michael C.F. Chan replied that the existing structures were some on-farm domestic structures and should not be counted in determining the development intensity.

Deliberation Session

27. The Chairman said that the grievances of the owner could be understood as three previous applications had been rejected. While sympathetic to the applicant, a Member opined that any development in the To Fung Shan area should not be supported as the area with dense vegetation and subject to infrastructure constraints should be preserved as a nature conservation area. This Member also asked why the Pristine Villa at the entrance of To Fung Shan Road had been allowed in the past.

28. The Chairman said that the development zone at the foothill of To Fung Shan and the “GB” zone further up the hill, including the application site, were based on a comprehensive planning and engineering assessment done in 1983 with a view to balancing the different demands. The rezoning of the site from “R(B)” to “GB” had gone through a due process of gazetting and objection consideration, and the Sha Tin OZP was subsequently approved by the then Governor in Council. Hence, the consideration of the subject application should be based on the current “GB” zoning of the site.

29. A Member commented that the slope works had resulted in extensive clearance of the woodland on site and made the slopes more dangerous. The argument that the dangerous slopes would only be re-graded and covered with concrete if the proposed development was not approved was not acceptable. Approving the application would set an undesirable precedent to encourage applicants to trim slopes and clear the natural vegetation before development was approved. Two other Members pointed out that the slope works on site did not appear to be purely site investigation works as such works should not involve the use of excavating machines as shown in Plan A-5 which had destroyed the woodland. Other Members shared the same views.

30. A Member said that the site situation shown in the video portraying a partially formed and devastated site devoid of vegetation was misleading. As pointed out by DAFC, a large part of the site was still well-wooded. Allowing the proposed development would lead to more damage to the well-wooded area and thus the application should not be approved. This Member also suggested that the Planning Department should obtain more detailed information from DAFC on the landscape baseline before the devastation. Another Member also pointed out that DAFC in fact considered it inappropriate for the applicant to adopt the situation after the unsightly slope remedial works and a site cleared of its original natural vegetation as the baseline for assessing the ecological impact.

31. The Chairman noted that Members had grave concerns on the devastation caused to the natural landscape on the site and did not consider that there were exceptional circumstances or strong justifications for a departure from the planning intention of the “GB” zone given the various adverse impacts of the proposed development.

32. 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 “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 as well as to provide passive recreational outlets. There was a general presumption against development in “GB” zone and no strong planning justifications had been provided in the submission for a departure from this planning intention;
- (b) the application site was largely covered with dense and natural vegetation. The proposed development would lead to an extensive clearance of the vegetation and substantial tree felling. There was insufficient information in the submission to demonstrate that the proposed development would not have adverse impacts on nature conservation and landscape;

- (c) there was insufficient information in the submission to demonstrate that the proposed development would not have adverse visual impacts on the surrounding areas;
- (d) there was insufficient information to demonstrate that the proposed development would not have adverse traffic impacts on the surrounding roads and junctions; and
- (e) approval of the subject application would set an undesirable precedent for other similar development proposals in the “GB” zone. The cumulative effect of approving such proposals would encourage proliferation of building development and result in a general degradation of the environment in the area.

[Dr. C.N. Ng, Mr. Tony C.N. Kan and Mr. Alfred Donald Yap left the meeting temporarily at this point.]

[The Chairman thanked Mr. Michael C.F. Chan, DPO/SK&ST, and Mr. Eric K.S. Tam, TP/ST, for their attendance to answer Members’ enquiries. Messrs. Chan and Tam left the meeting at this point.]

Tai Po and North District

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

Agenda Item 4

Section 16 Applications

[Open Meeting (Presentation and Question Session only)]

- (i) A/NE-FTA/72 Temporary Container Vehicle Park
and Container Vehicle Repair Workshop
for a Period of 3 Years
in “Agriculture” zone,
Lots 404A(Part), 409, 414(Part), 416(Part) and 436 in DD 89
and Adjoining Government Land,
Fu Tei Au, Sheung Shui
(RNTPC Paper No. A/NE-FTA/72)
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[Mr. C.K. Wong returned to the meeting at this point.]

Presentation and Question Session

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

- (a) background to the application;

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

- (b) the temporary container vehicle park and container vehicle repair workshop uses;
- (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 the access road, and environmental nuisance was expected. Other concerned Government departments had no objection to or no adverse comments on the application;

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

- (d) no public comment was received during the publication period and no local objection was received from 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 in that the proposed use was similar to the previously approved uses on the site and there had been no change in planning circumstances since the previous approvals; and the application was in line with the Town Planning Board Guidelines 13D for 'Application for Open Storage and Port Back-up Uses'. The temporary open storage was not incompatible with the surrounding uses and would not have adverse traffic, visual and landscape impacts. Although DEP maintained his previous view of not supporting the proposed uses, previous approvals had been granted and no complaints had been received from the local residents. DEP's concern could be dealt with by imposing appropriate approval conditions. As the applicant had not complied with the landscaping condition in the previous application, a shorter temporary approval for one year was recommended.

34. Members had no question on the application.

Deliberation Session

35. A Member asked Mr. Elvis W.K. Au if it would be acceptable environmentally to allow the container vehicle repair workshop by imposing appropriate planning conditions. Mr. Elvis W.K. Au replied that the main concern of the case was related to off-site environmental impacts. The inclusion of a container vehicle repair workshop would certainly add to the problem. The Secretary drew Members' attention to the fact that the Committee had approved similar workshop use on the site in 2000 (under Application No. A/NE-FTA/32) as detailed in paragraph 6.1 of the Paper.

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

36. Some Members considered that an approval period of 2 years could encourage the applicant to comply with all approval conditions when compared with the 1-year period recommended by the Planning Department. However, a shorter compliance period should be imposed.

37. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 2 years up to 17.2.2008, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) the paving within the application site should be maintained at all times during the approval period;
- (b) the existing drains within the application site should be maintained at all times during the approval period;
- (c) the submission of parking, loading/unloading and vehicular access proposals within three months from the date of planning approval to the satisfaction of the Commissioner for Transport or of the TPB by 17.5.2006;
- (d) in relation to (c) above, the provision of parking, loading/unloading and vehicular access facilities within six months from the date of planning approval to the satisfaction of the Commissioner for Transport or of the TPB by 17.8.2006;
- (e) the submission of landscape and tree preservation proposals within three months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 17.5.2006;
- (f) in relation to (e) above, the implementation of landscaping and tree preservation proposals within six months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 17.8.2006;

- (g) if any of the above planning conditions (a) or (b) was not complied with at any time during the approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (h) if any of the above planning conditions (c), (d), (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; and
- (i) upon 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.

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

- (a) note that a shorter approval period of 2 years and compliance periods had been given so as to closely monitor the development and implementation of planning conditions;
- (b) note that the owners of the subject lots should submit formal application to the District Lands Office/North, Lands Department for a Short Term Waiver for the regularization of the unauthorized structures;
- (c) extend the private water mains to the nearest Government water mains for connection, and to bear the cost and sort out the land matter associated with the main laying and subsequent maintenance of the water mains in private lots; and
- (d) note that the granting of this planning approval should not be construed as condoning any structures existing on the site under the Buildings Ordinance and the allied regulations. Actions appropriate under the said Ordinance or other enactment might be taken if contravention was found.

40. Members had no question on the application.

Deliberation Session

41. 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 17.2.2010, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

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

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

- (a) note that the actual construction of the proposed Small House should only begin after the completion of the public sewerage network;
- (b) note that adequate space should be provided for the proposed Small House to be connected to the public sewerage network; and
- (c) note that there was a low voltage overhead line in the vicinity of the site. The applicant and his contractors should observe the “Code of Practice on

the TPB Guidelines No. 16 for 'Application for development/redevelopment within the "Government, Institution and Community" ("G/IC") zone' as the proposed NTEH was located at the periphery of the "G/IC" zone and would not frustrate the planning intention of the zone.

44. Members had no question on the application.

Deliberation Session

45. 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 17.2.2010, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the condition that the submission and implementation of drainage proposals to the satisfaction of the Director of Drainage Services or of the TPB.

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

- (a) note that the application site was in close vicinity to the "Coastal Protection Area", the applicant should take all necessary measures to avoid impacts to the area;
- (b) note that the applicant might need to extend the inside services to the nearest Government water mains for connection. The applicant should resolve any land matter (such as private lots) associated with the provision of water supply and should be responsible for the construction, operation and maintenance of the inside services within the private lots to Water Supplies Department's standards; and
- (c) note that the water mains in the vicinity of the site could not provide the standard fire-fighting flow.

[Open Meeting (Presentation and Question Session only)]

- (iv) A/NE-TK/202 Proposed Private Garden for a House
in “Village Type Development” and “Green Belt” zones,
Government Land Adjoining Lot 595A in DD 14,
Tung Tsz Village, Ting Kok, Tai Po
(RNTPC Paper No. A/NE-TK/202)
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Presentation and Question Session

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

- (a) background to the application;
- (b) the proposed private garden;
- (c) departmental comments – the District Lands Officer/Tai Po had approved in principle a Short Term Tenancy (STT) application for the private garden already existing on a major part of the application site but objected to the two extension areas. The Director of Agriculture, Fisheries and Conservation and the Chief Town Planner/Urban Design and Landscape had reservation from tree preservation point of view as there was a large tree growing on the Government land within the application site, and the extension of the garden use in the “Green Belt” (“GB”) zone without strong justifications was inappropriate. Other Government departments had no objection to the application;
- (d) no public comment was received during the publication period and no local objection was received from the District Officer; and
- (e) the Planning Department (PlanD)’s views – PlanD did not support the application for reasons as detailed in paragraph 11.1 of the Paper in that

26.1% of the application site fell within the “GB” zone and there was no strong justification for a departure from the planning intention of the zone. The private garden occupied Government land and the applicant’s proposal to expand the garden would result in further intrusion into the “GB” zone.

48. Members had no question on the application.

Deliberation Session

49. A Member asked if the applicant could be required to set back the garden and avoid intruding into the “GB” zone to safeguard the planning intention of “GB” zone.

50. In reply to the Chairman’s questions, Mr. Francis Ng advised that it was the Lands Department’s policy to regularize existing private gardens on Government land for more practical land management. Part of the existing garden already fell within the “GB” zone and was properly maintained by the applicant. If that small area was excised, it would just be left unattended. He considered that the application could be approved subject to excision of the two proposed extension areas.

51. Some Members were of the view that the part of the existing garden encroaching the “GB” zone was very small in area. Tolerating the existing extent of the private garden, including this part, on a temporary basis would not frustrate the long term planning intention.

52. The Secretary reminded Members that the existing private garden involved illegal occupation of Government land, which was zoned “GB” on the OZP. Mr. Elvis W.K. Au commented that such illegal occupation of Government land for private garden use in the “GB” zone should not be condoned. Should the application be approved, it would send a wrong signal and set an undesirable precedent for others to follow suit.

53. The Chairman noted that there were diverging views and suggested Members to take a vote on the decision. A vote was taken, and the result was seven votes for approving the application against one for disapproving it. Five Members abstained.

54. After deliberation, the Committee decided to partially approve the application on a temporary basis for a period of 3 years up to 17.2.2009, on the terms of the application as submitted to the Town Planning Board (TPB) but excluding the two proposed extension areas outside the existing private garden. The permission was subject to the following conditions :

- (a) the submission of tree preservation proposals within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 17.8.2006;
- (b) in relation to (a) above, the implementation of tree preservation proposals within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 17.11.2006;
- (c) the submission of drainage proposals within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 17.8.2006;
- (d) in relation to (c) above, the implementation of drainage facilities proposed within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 17.11.2006;
- (e) if any of the above planning conditions (a) to (d) was not complied with by the specified dates, the approval hereby given shall cease to have effect and should be revoked immediately without further notice; and
- (f) 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.

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

- (a) note that a temporary approval of 3 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;

- (b) liaise with the Tai Po District Lands Office for a Short Term Tenancy for the proposed private garden;
- (c) extend the inside services to the nearest Government water mains for connection. The applicant should resolve any land matter (such as private lots) associated with the provision of water supply and should be responsible for the construction, operation and maintenance of the inside services within the private lots to the Water Supplies Department’s standards;
- (d) note that water mains in the vicinity of the application site could not provide the standard fire-fighting flow; and
- (e) consult the Environmental Protection Department regarding sewage treatment/disposal aspects of the proposed development.

[Open Meeting (Presentation and Question Session only)]

- (v) A/TP/365 Proposed Public Utility Installation
(Two Package Substations) (Electricity Substations)
in “Other Specified Uses” annotated
“Kowloon Canton Railway” zone,
Government Land,
Tai Po Tau, Tai Po
(RNTPC Paper No. A/TP/365)
-

Presentation and Question Session

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

- (a) background to the application;
- (b) the proposed public utility installation (two package electricity substations);
- (c) departmental comments – no objection from concerned Government departments was received;
- (d) one public comment was received during the publication period objecting to the application on safety grounds; 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. Regarding the safety concern raised in the public comment submitted by some residents of the Tai Po Tau Village, the applicant had advised that the design and construction of the package substations would be in accordance with the International Standard and the public would be unable to access the equipment installed inside the substations. In this regard, the Director of Electrical and Mechanical Services had also advised that there was no accident related to this type of equipment so far.

57. Members had no question on the application.

Deliberation Session

58. 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 17.2.2010, 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 Department or of the TPB;

and

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

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

- (a) observe the “Code of Practice on Working near Electricity Supply Lines” established under the Electricity Supply Lines (Protection) Regulation when carrying out any works in the vicinity of the underground electricity cables; and
- (b) extend the inside services to the nearest Government water mains for water connection. The applicant should resolve any land matter (such as private lots) associated with the provision of water supply and should be responsible for the construction, operation and maintenance of the inside services within the private lots to Water Supplies Department’s standards.

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

Tuen Mun and Yuen Long District

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

Agenda Item 5

Section 12A Application

[Open Meeting (Presentation and Question Session only)]

Y/YL-KTN/1 Application for Amendment to the
Draft Kam Tin North Outline Zoning Plan No. S/YL-KTN/6,
Lots 1841RP and 1842RP in DD 107 and Adjoining Government Land,
Sha Po, Au Tau, Yuen Long
(RNTPC Paper No. Y/YL-KTN/1)

Presentation and Question Session

60. The Committee noted that the applicant requested on 18.1.2006 for a deferment of the consideration of the application to allow time for addressing comments raised by various Government departments on the application.

Deliberation Session

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

Agenda Item 6

Section 16 Applications

[Open Meeting (Presentation and Question Session only)]

- (i) A/TM/345 Shop and Services and Wholesale Trade
in “Industrial” zone,
Workshop 10A(Part), G/F, Hang Wai Industrial Centre,
Kin On Street, Tuen Mun
(RNTPC Paper No. A/TM/345)
-

Presentation and Question Session

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

- (a) background to the application;
- (b) the shop and services and wholesale trade uses under application;
- (c) departmental comments – no objection from concerned Government departments was received;
- (d) no public comment was received during the publication period and no local views were received from the District Officer; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application for reasons as detailed in paragraph 11.1 of the Paper. The application was in line with the Town Planning Board Guidelines No. 25C on ‘Use/Development within “Industrial” zone’ and the Fire Services Department had no objection to the application subject to the imposition of appropriate approval conditions.

63. Members had no question on the application.

Deliberation Session

64. 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 was subject to the following conditions :

- (a) the submission and implementation of fire safety measures within six months from the date of approval to the satisfaction of the Director of Fire Services or of the TPB by 17.8.2006; and
- (b) if the above planning condition was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice.

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

- (a) note the comments of the District Lands Officer/Tuen Mun, Lands Department that the applicant should be advised to apply for a waiver which would be subject to such terms and conditions to be imposed; and
- (b) note the comments of the Chief Building Surveyor/New Territories West, Buildings Department that the premises should be separated from the adjoining unit/corridor with walls of fire resisting period not less than 2 hours.

[Open Meeting (Presentation and Question Session only)]

- (ii) A/YL-KTN/243 Temporary Open Storage of Vehicles and Vehicle Parts and Vehicle Repair Workshop for a Period of 3 Years in “Undetermined” zone, Lots 294CRP and 974F(Part) in DD 103, Kam Tin, Yuen Long
(RNTPC Paper No. A/YL-KTN/243)
-

Presentation and Question Session

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

- (a) background to the application;
- (b) the temporary open storage of vehicles and vehicle parts and vehicle repair workshop;
- (c) departmental comments – no objection from concerned Government departments was received;
- (d) no public comment was received during the publication period and no local views were received from 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 in that the proposed use was in line with the Town Planning Board Guidelines No. 13D for 'Application for Open Storage and Port Back-up Uses'. The proposed temporary use would not frustrate the long-term development in the "Undetermined" ("U") zone. A land use review on the "U" was being carried out by PlanD.

67. Members had no question on the application.

Deliberation Session

68. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years up to 17.2.2009, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) the drainage facilities on the site should be maintained at all times during the approval period;
- (b) the landscape planting on the site should be maintained at all times during the approval period;
- (c) the provision of a 9-litres water type/3kg dry powder fire extinguisher in the site office within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 17.8.2006;
- (d) if any of the above planning conditions (a) or (b) was not complied with at any time during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (e) if the above planning condition (c) 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
- (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.

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

- (a) note the comments of the District Lands Officer/Yuen Long, Lands Department that his office reserves the right to take appropriate lease enforcement action if material deviations were found on site subsequently;
- (b) note the comments of the Assistant Commissioner for Transport/New Territories, Transport Department that land status of the tracks leading to the site from Kam Tin Road should be checked, and the management and maintenance responsibilities of the same tracks should be clarified and the

relevant lands and maintenance authorities should also be consulted;

- (c) note the comments of the Chief Engineer/Development (2), Water Supplies Department that the applicant should bear the cost of any necessary diversion works;
- (d) note the comments of the Director of Fire Services that the applicant should approach the Dangerous Goods Division for advice on licensing of the premises for storage/use of Dangerous Goods where necessary;
- (e) follow the environmental mitigation measures as recommended in the “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” in order to minimize the possible environmental impacts on the adjacent area;
- (f) note the comments of the Chief Building Surveyor/New Territories West, Buildings Department that all unauthorised building works/structures should be removed. All building works were subject to compliance with Buildings Ordinance. Authorised Person must be appointed to coordinate all building works. The granting of planning approval should not be construed as an acceptance of the unauthorised structures on site under the Buildings Ordinance. Enforcement action might be taken to effect the removal of all unauthorised works in the future;
- (g) note the comments of the Commissioner of Police (District Commander, Pat Heung Division) that the security arrangements of the location were considered of paramount importance and should be given due regard by the applicant; and
- (h) note the comments of the Director of Electrical and Mechanical Services that to 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. Prior to establishing any structure within the lot, the applicant or his contractors should liaise with CLP Power to divert the existing low and high voltage overhead lines and underground cables away from the vicinity of the proposed development.

[Open Meeting (Presentation and Question Session only)]

- (iii) A/YL-KTS/359 Temporary Open Storage of Vehicles and Parts
for a Period of 3 Years
in “Agriculture” zone,
Government Land in DD 113,
Ma On Kong, Pat Heung, Yuen Long
(RNTPC Paper No. A/YL-KTS/359)
-

Presentation and Question Session

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

- (a) background to the application;
- (b) the temporary open storage of vehicles and parts;
- (c) departmental comments – the District Lands Officer/Yuen Long did not support the application as the applicant had illegally occupied Government land and a complaint had been received. In this regard, land control action had been initiated. The Assistant Commissioner for Transport/New Territories objected to the application as Kam Ho Road was not desirable for use by heavy and long vehicles. The Director of Environmental Protection had reservation on the application as it would not be environmentally desirable to allow the proposed use in such environmental setting and the proposed use would potentially lead to degradation of the rural character. The Director of Agriculture, Fisheries

and Conservation was not in favour of the application as the agricultural life in the vicinity was quite active and the existing agricultural infrastructures in the region made it possible for agricultural rehabilitation. Other Government departments had no objection to the application;

- (d) two public comments both from the Village Representative of Ho Pui Tsuen were received during the publication periods for the application and the further information, objecting to the application on grounds of adverse impacts on the living environment and fung shui of the area, nuisance and security problem; 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 in that the proposed development was not in line with the planning intention of the “Agriculture” zone as well as the Town Planning Board Guidelines No. 13D for ‘Application for Open Storage and Port Back-up Uses’. No previous planning approval had been given to the site and there were Government departments objecting to the application and local objection. There was no information in the submission to demonstrate that the proposed development would not cause adverse traffic, environment and landscape impacts on the surrounding areas. Approval of the application would set an undesirable precedent for similar applications.

71. Members had no question on the application.

Deliberation Session

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

- (a) the development was not in line with the planning intention of the “Agriculture” zone which was to retain and safeguard good agricultural land for agricultural purposes. This zone was also intended to retain

fallow arable land with good potential for rehabilitation. No strong justification had been given in the submission for a departure from the planning intention, even on a temporary basis;

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

[Open Meeting (Presentation and Question Session only)]

- (iv) A/YL-NSW/166 Temporary Open Vehicle Park
(including Container Vehicles and Private Cars)
for a Period of 3 Years
in “Other Specified Uses” annotated “Comprehensive
Development to include Wetland Restoration Area” zone,
Lot 45 in DD 107 and Adjoining Government Land,
Nam Sang Wai, Yuen Long
(RNTPC Paper No. A/YL-NSW/166)
-

Presentation and Question Session

73. 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 vehicle park (including container vehicles and private cars) for a period of 3 years;
- (c) departmental comments – the Director of Environmental Protection did not support the application as there were sensitive uses in the vicinity and environmental nuisance was expected. The Director of Agriculture, Fisheries and Conservation had reservation on the application as the proposed use was not in line with the planning intention of “Other Specified Uses (Comprehensive Development to include Wetland Restoration Area” (“OU(CDWRA)”) and it would be desirable to discourage open storage use in this zone. The Chief Town Planner/Urban Design and Landscape had reservation on the application as the site was in close proximity to fishponds and negative landscape impacts would be caused to the environment. The Assistant Commissioner for Transport/New Territories was unable to assess the traffic impact in the area as no information was provided on vehicular arrangement of the site. Also, there was no formal run-in leading to the site that met Highways Department’s standards. Other Government departments had no objection to the application;
- (d) no public comment was received during the publication period and no local views were received from the District Officer; and
- (e) the Planning Department (PlanD)’s views – PlanD did not support the application for reasons as detailed in paragraph 12.2 of the Paper in that the proposed development was not in line with the planning intention of the “OU(CDWRA)” zone. It was also not in line with the Town Planning Board Guidelines No. 13D for ‘Application for Open Storage and Port Back-up Uses’ as the site fell within Category 4 areas and there was no exceptional circumstances that merit the approval of the application.

No information had been provided on how the negative impacts on the surrounding environment could be properly addressed and mitigated. There were adverse comments from concerned Government departments.

74. The Chairman referred to Plan A-1 and enquired why several planning permissions had been granted to a site north of the application site whilst this case was not supported by the Planning Department.

75. In response, Mr. Wilson Y.L. So, DPO/TMYL, referred to paragraph 7 of the Paper and explained that three of the previous approvals (under Applications No. A/YL-NSW/47, 62 and 84) for the other site were granted between 1998 to 2000 when the site was zoned "Recreation" ("REC"). The site was later rezoned to "OU(CDWRA)" after the Fish Ponds Study and the subsequent application No. A/YL-NSW/102 was only approved by the Town Planning Board upon review for 12 months taking into account planning permissions had previously been granted for the same use three times and the applicant had demonstrated genuine effort in complying with the approval conditions; the site was relatively small and the scale and nature of the use was not objectionable; and there were no adverse impacts on the traffic and environment of the area. The last application (No. A/YL-NSW/119) was also approved for similar reasons. In the instant case, there was only one previous approval granted to another applicant back in 1997 but the approval conditions relating to implementation of various proposals were not complied with.

76. A Member referred to Plan A-2 and enquired about the use of the temporary domestic structures in the vicinity and whether they were sensitive uses as stated in DEP's comments in paragraph 10.1.2 of the Paper. Mr. Wilson Y.L. So advised that these were on-farm domestic structures adjoining the fish ponds in the area. They were erected after the land use survey undertaken in 1990.

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

77. A Member asked if the run-in of the application site was acceptable to concerned Government departments. Mr. Wilson So advised that the Transport Department and Highways Department both considered it not a formal run-in, and not up to highways standards.

[Mr. Michael K.C. Lai and Mr. Edmund K.H. Leung left the meeting temporarily at this point.]

Deliberation Session

78. A Member considered that the application should not be supported as the application site was within the “OU(CDWRA)” zone and the sensitive uses in the vicinity would be adversely affected. Other Members shared the same view.

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

- (a) the proposed development was not in line with the planning intention of the “Other Specified Uses” annotated “Comprehensive Development to include Wetland Restoration Area” zone which was intended to phase out existing sporadic open storage and port back-up uses on degraded wetlands. There was no strong planning ground to justify a departure of the planning intention, even on a temporary basis;
- (b) the proposed development was incompatible with the rural character of the surrounding area including fish ponds, agricultural land and residential dwellings; and
- (c) the proposed development was not in line with the TPB Guidelines 13D for ‘Application for Open Storage and Port Back-up Uses’ in that there was no information in the submission to demonstrate that the development would not have adverse environmental, traffic, drainage and landscape impacts on the surrounding areas.

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

[Open Meeting (Presentation and Question Session only)]

- (v) A/YL-NTM/191 Proposed Recyclable Collection Centre
in “Residential (Group D)” zone,
Lot 1316 in DD 104,
Yau Tam Mei Tsuen,
Ngau Tam Mei, Yuen Long
(RNTPC Paper No. A/YL-NTM/191)
-

Presentation and Question Session

80. Mr. Anthony C.Y. Lee, STP/TMYL, drew Members’ attention to the replacement page 8 tabled at the meeting and also pointed out that the word “east” in line 2 of paragraph 11.1(b) of the Paper should read “west”. He then presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;

[Mr. Michael K.C. Lai and Mr. Edmund K.H. Leung returned to the meeting at this point.]

- (b) the proposed recyclable collection centre;
- (c) departmental comments – the Assistant Commissioner for Transport/New Territories (AC for T/NT) had strong objection as the proposed use would likely entail the use of 16-tonne heavy vehicles which was in direct conflict with the current traffic management measures implemented on Chun Shin Road. The Director of Environmental Protection (DEP) had reservation on the application as the application site was close to sensitive uses and the proposed use would likely generate traffic of heavy vehicles which were environmentally undesirable. The Chief Town Planner/Urban Design and Landscape did not support the application as the proposed use was not compatible with the existing rural landscape character of the area and site clearance had damaged the existing landscape character;

- (d) no public comment was received during the publication period and no local views were received from the District Officer; and
- (e) the Planning Department (PlanD)'s views – PlanD did not support the application for reasons as detailed in paragraph 11.1 of the Paper in that the proposed recyclable collection centre was not in line with the planning intention of the “Residential (Group D)” (“R(D)”) zone and not compatible with the existing landscape character of the surrounding areas. Also, DEP and AC for T/NT objected to the proposal on environmental and traffic grounds.

81. Members had no question on the application.

Deliberation Session

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

- (a) the development was not in line with the planning intention of the “Residential (Group D)” zone, which was intended primarily for improvement and upgrading of existing temporary structures within the rural areas through redevelopment of existing temporary structures into permanent buildings. No strong justification had been given in the submission for a departure from such planning intention;
- (b) the proposed development was not compatible with the surrounding rural land uses with mainly farm structures and ponds;
- (c) the proposed development was in proximity to sensitive receivers located at its west and would generate heavy vehicles traffic. The resultant noise nuisance and the loading/unloading activities on the site were justifiable environmental concerns. There was insufficient information in the

submission to demonstrate that the development would not have adverse environmental impact on the surrounding areas; and

- (d) there was insufficient information in the submission to demonstrate that the proposed development would not generate adverse traffic and drainage impacts on the surrounding areas.

[Open Meeting (Presentation and Question Session only)]

- (vi) A/YL-NTM/192 Proposed Temporary Animal Carcass Collection Point for a Period of 3 Years in “Green Belt” zone, Government Land near Lot 255 in DD 98, Ki Lun Tsuen, Ngau Tam Mei, Yuen Long (RNTPC Paper No. A/YL-NTM/192)
-

Presentation and Question Session

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

- (a) background to the application;
- (b) the proposed temporary animal carcass collection point;
- (c) departmental comments – the Chief Engineer/Mainland North, Drainage Services Department considered that the District Lands Officer/Yuen Long should be consulted regarding the proposed drainage works outside the lot boundary. Other concerned Government departments had no objection to or no adverse comment on the application;
- (d) no public comment was received during the publication period and no local views were received from the District Officer; and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application for reasons as detailed in paragraph 12.1 of the Paper in that the proposed use was an essential facility to serve the demand especially from pig farms nearby; it was a relocation of the existing collection point to the north; the proposed use would not generate major environmental impacts; and the proposed facility would not involve tree felling.

84. Members had no question on the application.

Deliberation Session

85. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years up to 17.2.2009, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the condition that 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.

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

- (a) note the comments of the Chief Engineer/Mainland North, Drainage Services Department to approach the District Officer/Yuen Long for matters of local village drains and to consult the District Lands Officer/Yuen Long for all proposed drainage works outside the site boundary in order to ensure the unobstructed discharge from the site in future; and
- (b) follow the environmental mitigation measures as recommended in the “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” in order to minimize the potential environmental impacts on the adjacent area.

[Open Meeting (Presentation and Question Session only)]

- (vii) A/YL-ST/299 Proposed Temporary Tyre Repair Workshop
for a Period of 3 Years
in “Other Specified Uses” annotated “Comprehensive
Development to include Wetland Restoration Area”
and “Other Specified Uses” annotated “Comprehensive
Development and Wetland Enhancement Area” zones,
Lots 5 and 6(Part) in DD 105
and Adjoining Government Land,
San Tin, Yuen Long
(RNTPC Paper No. A/YL-ST/299)
-

Presentation and Question Session

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

- (a) background to the application;
- (b) the proposed temporary tyre repair workshop;
- (c) departmental comments – the Director of Environmental Protection did not support the application as there were sensitive uses in the vicinity of the site and environmental nuisance was expected. The Director of Agriculture, Fisheries and Conservation had reservation on the application as the proposed use did not comply with the planning intention of the “Other Specified Uses (Comprehensive Development to include Wetland Restoration Area)” (“OU(CDWRA)”) zone and no information had been provided to demonstrate that the proposed use would not have negative off-site disturbance impacts on the ecological value of the fishponds in the wetland conservation area. The Chief Engineer/Mainland North, Drainage Services Department considered that a drainage submission would be required to substantiate the application. Other concerned Government departments had no objection to the application;

- (d) no public comment was received during the publication period and no local views were received from 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 in that the development was not in line with the planning intention of the “OU(CDWRA)” zone and did not comply with the TPB Guidelines No. 12B for ‘Application for Developments within Deep Bay Area’; there was insufficient information in the submission to demonstrate that the development would not have adverse ecological, drainage and environmental impacts on the surrounding areas. Although the site had previously been approved for a number of similar temporary uses, the first 3 applications were approved when the application site fell within the “Residential (Group D)” (“R(D)”) zone whilst the latest one was approved for a shorter period up to 28.8.2001 (about 14 months). Two similar applications (No. A/YL-ST/273 and 278) in the vicinity approved for 12 months to allow time for the applicants to relocate their businesses were later revoked due to non-compliance with the approval conditions.

88. Members had no question on the application.

Deliberation Session

89. 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 “Other Specified Uses” annotated “Comprehensive Development to include Wetland Restoration Area” zone which was to encourage the phasing out of sporadic open storage and port back-up uses, and to provide incentive for the restoration of degraded wetlands adjoining existing fish ponds;

- (b) the development did not comply with the revised TPB Guidelines No. 12B for ‘Application for Developments within Deep Bay Area’ in that there was no information in the submission to demonstrate that the development would not have a negative off-site disturbance impact on the ecological integrity and ecological value of the fish ponds within the Wetland Conservation Area in the Deep Bay area; and
- (c) there was insufficient information in the submission to demonstrate that the development would not have adverse drainage and environmental impacts on the surrounding areas.

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

[Open Meeting (Presentation and Question Session only)]

- (viii) A/YL-TYST/306 Renewal of Planning Approval for
Temporary Concrete Batching Plant under
Application No. A/YL-TYST/181
for a Period of 3 Years
in “Industrial” zone,
Lots 1290CRP, 1293C and 2019 in DD 121
and Adjoining Government Land,
San Fui Street, Tong Yan San Tsuen, Yuen Long
(RNTPC Paper No. A/YL-TYST/306)
-

Presentation and Question Session

90. Mr. Anthony C.Y. Lee, STP/TMYL, informed the meeting that the approved Tong Yan San Tsuen OZP no. S/YL/TYST/10 was gazetted today. There was no change to the zoning of the subject application site. He then presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;

- (b) the proposed renewal of planning approval for temporary concrete batching plant;
- (c) departmental comments – no objection from concerned Government departments was received;
- (d) one public comment was received during the publication period objecting to the application on environmental nuisance ground;
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application for reasons as detailed in paragraphs 12.1 and 12.2 of the Paper. The application was in line with the Town Planning Board Guidelines No. 34 on 'Renewal of Planning Approval and Extension of Time for Compliance with Planning Conditions for Temporary Use or Development'. The Director of Environmental Protection (DEP) had no adverse comment on the application and there had been no environmental complaint against the site from 2003 till now. A Specified Process Licence had been issued to the premises under the Air Pollution Control Ordinance. Regarding the public comment, the applicant had undertaken to ensure that vehicles to and from the site would only use the major trunk roads and industrial access roads in the vicinity. A planning condition had been recommended accordingly. Residential developments which were not directly abutting the site or along the access route would unlikely be affected by the vehicular traffic; and
- (f) a letter dated 14.2.2006 was received from the applicant responding to the public comment received. The applicant reiterated that he would continue to maintain and operate the concrete batching plant in accordance with the relevant regulations and licensing.

91. Members had the following questions on the application:
- (a) whether any action had been taken to address the concern raised in the public comment; and
 - (b) the location of Tong Yan San Tsuen where the commenters resided.
92. In response, Mr. Wilson Y.L. So, DPO/TMYL, made the following points:
- (a) the vicinity of the application site was mostly occupied by industrial uses but there were also some on-farm domestic structures. To address the environmental concern, the applicant had submitted information in the previous approved application (No. A/YL-TYST/181) that the vehicles to and from the site would only use the major trunk roads. No complaint had been received by DEP over the past 3 years of operation; and
 - (b) the commenters were villagers of San Hei Village. Tong Yan San Tsuen was in fact located further south.

Deliberation Session

93. Members noted that there were two previous approvals granted and the applicant had complied with the approval conditions. Moreover, a Specified Process Licence had been given by DEP.

94. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years up to 17.2.2009, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) vehicles to and from the site were restricted to using the major trunk roads and industrial access roads in the vicinity of the site;
- (b) the landscape planting on the application site should be maintained at all times during the planning approval period;

- (c) the drainage facilities on the application site should be maintained at all times during the planning approval period;
- (d) the provision of run-in within 6 months from the date of planning approval to the satisfaction of the Director of Highways or of the TPB by 17.8.2006;
- (e) the provision of emergency vehicular access, water supplies for fire fighting and fire service installations within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 17.8.2006;
- (f) if any of the above planning conditions (a), (b) or (c) was not complied with at any time during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice; and
- (g) if any of the above planning conditions (d) or (e) was not complied with by the specified date, the approval hereby given should cease to have effect and should be revoked immediately without further notice.

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

- (a) note the comments of the Chief Highway Engineer/New Territories West, Highways Department that the proposed location of vehicular access to the site and the width of the run-in should be commented and approved by Transport Department. Upon approval, the applicant should construct the run-in according to the latest version of Highways Standard Drawings No. H1113 and H1114, or H5115 and H5116, whichever set was appropriate at that location;
- (b) note the comments of the Director of Environmental Protection that the operator was required to follow the conditions of the Specified Process

Licence granted under the Air Pollution Control Ordinance; and

- (c) note the comments of the Director of Fire Services that detailed fire safety requirements would be formulated upon receipt of formal submission of general building plans.

Agenda Item 7

Section 16A Applications

[Open Meeting (Presentation and Question Session only)]

- (i) A/TSW/30-1 Change in Location of Footbridge and Addition of a Public Cycle Park (Amendments to the Scheme Approved under Application No. A/TSW/30) in “Undetermined” and “Other Specified Uses (Bus Terminus)” zones, Tin Shui Wai Town Lot 24, Area 33, Tin Shui Wai

(RNTPC Paper No. A/TSW/30-1)

96. The Secretary reported that the applicant was a subsidiary of Cheung Kong Holdings Ltd. and Mr. Francis Y.T. Lui and Dr. Lily Chiang had declared interests in this item. They had tendered their apologies for being unable to attend the meeting.

Presentation and Question Session

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

- (a) background to the application;
- (b) the proposed amendments to the previously approved scheme, in particular the change in the location of a footbridge and the addition of a public cycle park;

- (c) departmental comments – the Assistant Commissioner for Transport/New Territories (AC for T/NT) had reservation on the application as the proposed landscaped podium might be in conflict with the layouts, headrooms and details of the public transport terminus (PTT), the associated footbridge system and the road/footway system surrounding the PTT as proposed in the Special Conditions and the Control Drawing of the Technical Schedules of the New Grant; and
- (d) the Planning Department (PlanD)'s views – PlanD had no objection to the application as the proposed amendments to the approved scheme were to address the concerns of various Government departments and represented improvements; there was no change in the development parameters; and AC for T/NT's concern on the structural design of the proposed landscape podium and the proposed PTT could be addressed in the detailed design stage and an appropriate approval condition could be included in this regard.

98. A Member asked whether AC for T/NT's concern could be satisfactorily addressed by the proposed approval condition (e). In response, Mr. Wilson Y.L. So, DPO/TMYL, made the following main points:

- (a) the history of the amendments to the PTT and landscape podium was detailed in paragraph 6 of the Paper. In brief, the deck covering the PTT was first amended in the Application No. A/TSW/21 which was approved by the Committee on 27.9.2002, involving changing it to a partial deck with steel structure canopy. Another Application No. A/TSW/26 with amendments to replace the steel structure canopy of the PTT by rows of plantation because the steel structure involved maintenance and management problem was rejected by the Committee on 19.9.2003. In Application No. A/TSW/27 approved by the Director of Planning on 22.12.2003, the structure reverted to a steel cover with inclined blades as rows of plantation could not reduce the noise impacts. However,

Government departments were still not satisfied with the issues on future maintenance and management. Application No. A/TSW/30 which involved further changing the structure to a landscaped deck opening for public use was approved on 24.6.2005;

- (b) the amendments under application were mainly related to integration of the footbridge system with the podium deck, and opening up the other part of the footbridge by adjusting the extent of the podium. The landscape design of the podium was slightly modified to cope with these changes. Such amendments were accepted by the Advisory Committee on the Appearance of the Bridges and Associated Structures (ACABAS) on 20.12.2005; and
- (c) in the current application, AC for T/NT was still concerned about the difference between the applicant's design and the original standard drawings, as well as the maintenance and management problem of the PTT and landscape podium rather than the design aspect. Taken into account the history of the case and the applicant's undertaking to maintain and manage the future landscaped podium deck, PlanD considered that AC for T/NT's concern could be dealt with at implementation stage through the imposition of an appropriate approval condition.

[Mr. C.K. Wong left the meeting temporarily at this point.]

99. In response to the Chairman's question, Mr. Francis NG confirmed that the Lands Department had no in-principle objection to the application and their detailed comments were as stated in paragraph 10.1.1 of the Paper. The amendments of the Control Drawing with respect to the design of the scheme would have premium implications.

Deliberation Session

100. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission

should be valid until 24.6.2009, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

- (a) the submission and implementation of a revised Master Layout Plan (MLP) including phasing and programming of the proposed development and taking into account conditions (b), (e), (f), (h), (i), (l), (m) and (n) below to the satisfaction of the Director of Planning or of the TPB;
- (b) the submission and implementation of a Landscape Master Plan including planting proposals and implementation programme to the satisfaction of the Director of Planning or of the TPB;
- (c) the submission of a revised noise impact assessment prior to the commencement of works and the implementation of noise mitigation measures to the satisfaction of the Director of Environmental Protection or of the TPB;
- (d) the submission of a revised traffic impact assessment and the implementation of improvement measures including junction improvement to the satisfaction of the Commissioner for Transport or of the TPB;
- (e) the design, implementation and development programme of the traffic proposals including the public transport interchange, detailed walkway, escalator and footbridge arrangements, ramp arrangement, access road arrangement, the column arrangement, positions within the layout of the bus terminus and ventilation arrangement for the public transport terminus including the electrical/mechanical and fire fighting arrangement, and the provision of car parking spaces, loading and unloading bays, bicycle and motorcycle parking facilities to the satisfaction of the Commissioner for Transport or of the TPB;

- (f) the provision of access for the disabled between the podium, the deck, the bus terminus and the Light Rail Transit terminus site to the satisfaction of the Director of Architectural Services or of the TPB;
- (g) the submission and implementation of sewerage proposals including temporary sewerage system to the satisfaction of the Director of Drainage Services or of the TPB;
- (h) the submission and implementation of the following temporary arrangements during the construction period to the satisfaction of the Commissioner for Transport or of the TPB :
 - (i) proposals to avoid interrupting the bus services;
 - (ii) the proposal of a temporary bus terminus; and
 - (iii) the proposal of a temporary pedestrian crossing arrangement;
- (i) the provision of a public toilet to the satisfaction of the Director of Food & Environmental Hygiene or of the TPB;
- (j) the submission of a revised drainage impact assessment and the provision of drainage facilities to the satisfaction of the Director of Drainage Services or of the TPB;
- (k) the diversion of water mains to be affected by the proposed development to the satisfaction of the Director of Water Supplies or of the TPB;
- (l) the provision of an emergency vehicular access, with a minimum width of 6 m, which was capable of withstanding 20-tonne fire appliance to the satisfaction of the Director of Fire Services or of the TPB;
- (m) the submission of design and implementation of the landscaped deck including the arrangement for public access to the satisfaction of the Director of Planning or of the TPB; and

- (n) the provision of public cycle park to the satisfaction of Commissioner for Transport or of the TPB.

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

- (a) note the comments of the Chief Estate Surveyor/Headquarters of Lands Department in paragraph 10.1.1 of the Paper;
- (b) note the comments of the Assistant Commissioner for Transport/New Territories, Transport Department in paragraph 10.1.2 of the Paper;
- (c) note the comments of the Chief Highway Engineering/New Territories West of Highways Department in paragraph 10.1.3 of the Paper;
- (d) note the comments of the Chief Building Surveyor/New Territories West of Buildings Department in paragraph 10.1.5 of the Paper;
- (e) note the comments of the Director of Fire Services in paragraph 10.1.6 of the Paper; and
- (f) note the comments of the Deputy Director (Geotechnical) of Civil Engineering Development Department in paragraph 10.1.7 of the Paper.

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

[Open Meeting (Presentation and Question Session only)]

- (ii) A/YL-HT/399-1 Application for Extension of Time for Compliance with Planning Condition under Section 16A of the Town Planning Ordinance – Temporary Warehouse for Storage of Paper Rolls for a Period of 3 Years in “Comprehensive Development Area” zone, Lots 3305RP(Part), 3306(Part), 3307RP, 3310ARP(Part), 3310BRP(Part), 3311RP, 3312A(Part), 3312B, 3313(Part) and 3314(Part) in DD 129, Ha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-HT/399-1)
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[Mr. C.K. Wong returned to the meeting at this point.]

Presentation and Question Session

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

- (a) background to the application;
- (b) the extension of time (EOT) for compliance with planning conditions applied for;
- (c) departmental comments – no objection from concerned Government departments was received. However, the Chief Town Planner/Urban Design and Landscape considered that an additional 3 months would be adequate for implementation of the landscape proposals; and
- (d) the Planning Department (PlanD)’s views – the EoT application was only submitted on 13.1.2006. The applicant had failed to comply with approval conditions (d), (f) and (h) by the deadline, i.e. 15.1.2006 and the

planning permission was revoked on the same day. The application could not be considered as the planning permission no longer existed at the time of consideration.

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

103. The Chairman noted that the application was similar to a case considered at the previous meeting where the Committee decided that the case could no longer be considered as the planning permission no longer existed at the time of consideration.

Deliberation Session

104. After deliberation, the Committee agreed that the application could not be considered for the reason that, since the applicant had failed to comply with approval conditions (d), (f) and (h) by 15.1.2006, the planning approval for the subject application had ceased to have effect and had on the same date been revoked. The Town Planning Board could not consider a s.16A application if the subject planning permission no longer existed at the time of consideration.

[Open Meeting (Presentation and Question Session only)]

(iii) A/YL-MP/125-4 Application for Extension of Time
for Compliance with Planning Condition
under Section 16A of the Town Planning Ordinance –
Proposed Temporary Restaurant
for a Period of 3 Years
in “Open Space” zone,
Lots 5, 6, 7, 8RP, 9RP and 10 in DD 101,
Mai Po, Yuen Long
(RNTPC Paper No. A/YL-MP/125-4)

[Open Meeting (Presentation and Question Session only)]

- (iv) A/YL-TYST/256-2 Application for Extension of Time for Compliance with Planning Condition under Section 16A of the Town Planning Ordinance – Temporary Warehouse for Storage of Construction Materials and Miscellaneous Goods for a Period of 3 Years in “Undetermined” zone, Lots 1399(Part), 1401A-1401D(Part) and 1402(Part) in DD 119, Yuen Long
(RNTPC Paper No. A/YL-TYST/256-2)
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105. The Chairman noted that these two applications were similar to Application No. A/YL-HT/399-1. According to the legal advice obtained, such applications could not be considered by the Committee as the subject planning permissions had already lapsed. The applicant would be informed accordingly.

106. A Member asked if the Committee could not consider or would not process such applications. In reply, the Chairman explained that the applications would be processed but could not be considered according to the legal advice. He recalled that the Town Planning Board agreed at its last meeting to continue to deal with such applications in the meantime pending a review of the situation and the drawing up of suitable guidelines if such cases were to be processed by officers in the Planning Department under delegated authority.

Deliberation Session

Application No. A/YL-MP/125-4

107. After deliberation, the Committee agreed that the application could not be considered for the reason that, since the applicant had failed to comply with approval condition (f) by 19.1.2006, the planning approval for the subject application had ceased to have effect and had on the same date been revoked. The Town Planning Board could not

consider a s.16A application if the subject planning permission no longer existed at the time of consideration.

Application No. A/YL-TYST/256-2

108. After deliberation, the Committee agreed that the application could not be considered for the reason that, since the applicant had failed to comply with approval condition (f) by 5.2.2006, the planning approval for the subject application had ceased to have effect and had on the same date been revoked. The Town Planning Board could not consider a s.16A application if the subject planning permission no longer existed at the time of consideration.

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

Agenda Item 8

Any Other Business

109. There being no other business, the meeting was closed at 5:10pm.