

**TOWN PLANNING BOARD**

**Minutes of 333rd Meeting of the  
Rural and New Town Planning Committee held at 2:30 p.m. on 1.9.2006**

**Present**

Director of Planning  
Mrs. Ava S.Y. Ng

Chairperson

Mr. Michael K.C. Lai

Vice-chairman

Professor Nora F.Y. Tam

Mr. David W.M. Chan

Dr. Lily Chiang

Professor Peter R. Hills

Mr. Tony C.N. Kan

Mr. Edmund K.H. Leung

Dr. C.N. Ng

Mr. Alfred Donald Yap

Mr. B.W. Chan

Mr. Y.K. Cheng

Ms. Anna S.Y. Kwong

Dr. James C. W. Lau

Chief Engineer/Traffic Engineering (New Territories West),

Transport Department  
Mr. Y.M. Lee

Assistant Director (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**

Ms. Carmen K.M. Chan

Professor David Dudgeon

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 332nd RNTPC Meeting held on 18.8.2006**

1. The draft minutes of the 332nd RNTPC meeting held on 18.8.2006 were confirmed without amendments.

**Agenda Item 2**

**Matters Arising**

2. There was no matters arising to be reported.

**Tuen Mun and Yuen Long District**

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

**Agenda Item 3**

**Section 12A Application**

[Open Meeting (Presentation and Question Sessions only)]

Y/YL/1                      Application for Amendment to the  
Approved Yuen Long Outline Zoning Plan No. S/YL/15  
from “Comprehensive Development Area”, “Open Space”,  
“Village Type Development” Zones and Area Shown as “Road” to  
“Open Space”, Government Land Covering West Rail Yuen Long Station  
and the Associated Public Transport Interchange in Area 15, Yuen Long  
(RNTPC Paper No. Y/YL/1)

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Presentation and Question Session

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

Mr. Wilson Y.L. So - District Planning Officer/Tuen Mun and Yuen Long  
(DPO/TMYL)

Ms. Joyce So - Town Planner/TMYL (TP/TMYL)

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

Mr. Edward Li Sang	]	Applicants
Mr. Chong Yiu Kai	]	
Ms. Kam Sin Yee	]	
Ms. Ho Lai Ming	]	
Ms. Ho Leung Yat-suk	]	
Mr. Leung Yin Kuen	]	
Mr. Man Kit Hing	]	
Mr. Chin Leung Nin	]	
Ms Lai Kin Ching	]	
Mr. Chan Wai Fook	]	
Ms. So Sui Fan	)	Applicants' Representatives
Mr. Lam Cheuk Wai	)	
Ms. Lai Kam Fung	)	
Mr. Mak Yip Sing	)	
Ms. Law Ka Man	)	
Mr. Clement Chow Yiu Cheung	)	
Ms. Anita Sin Lai Chun	)	
Ms. Cheng Yuk Lan	)	
Mr. Li Wai Ming	)	
Mr. Tse Hoi Chau	)	

5. The Chairperson extended a welcome and explained the procedures of the hearing. The Chairperson then invited Mr. Wilson Y.L. So to brief Members on the background to the application.

6. With the aid of a powerpoint presentation, Mr. Wilson Y.L. So presented the application as detailed in the Paper and made the following main points :

- (a) The application was for rezoning about 37,280m<sup>2</sup> of land, which would be included in the land grant for KCRC's property development at West Rail (WR) Yuen Long Station, from "Comprehensive Development Area" ("CDA"), "Open Space" ("O"), "Village Type Development" zones and area shown as 'Road' to "O". The site fell within the authorized scheme boundary of the WR gazetted in 1998;
- (b) on 17.7.1998, the Committee rejected KCRC's proposed rezoning of the site to "OU" annotated "Rail Interchange with Commercial/Residential Development", but agreed to rezone the site to "CDA" with a maximum domestic/non-domestic plot ratio of 5/9.5 to facilitate comprehensive residential development at the site;
- (c) the Sun Yuen Long Centre (SYLC) Owners' Committee filed an objection to the "CDA" zone gazetted under in the draft Yuen Long OZP No. S/YL/4. The objection was not upheld by the Town Planning Board (the Board) for the reasons as stated in paragraph 4.4 of the Paper. The draft OZP was subsequently approved by the Chief Executive in Council on 14.12.1999;
- (d) the first application No. A/YL/61 submitted by KCRC for the "CDA" site was rejected by the Committee on 15.6.2001. A revised and improved MLP under application No. A/YL/90 was approved with conditions on 25.1.2002. The revised MLP proposed deletion of one residential tower, reduction in plot ratio/gross floor area and number of flats, and change in

design to reduce impacts on SYLC;

- (e) residents of the SYLC raised strong objection to the road closure proposal associated with the proposed development gazetted under the Roads (Works, Use and Compensation) Ordinance on 13.5.2005, and lodged a complaint to the Legislative Council (LegCo) in November 2005. At the Case Conference of the LegCo on 7.2.2006, KCRC agreed to explore the feasibility of modifying the design of the proposed development. In March 2006, the Town Planning and Development Committee of Yuen Long District Council (YLDC) passed a motion on proposing to rezone the site to "G/IC" to address local residents' strong objection to the proposed property development and to meet the future needs for GIC facilities in Yuen Long Town;
- (f) the justifications put forth by the applicant were detailed in paragraph 2 of the Paper;
- (g) departmental comments - Government departments generally had no objection to the application, except the Lands Department. The District Lands Officer/Yuen Long (DLO/YL) did not support the application on site utilization grounds. The Chief Estate Surveyor/Railway Development (CES/RD) considered that deletion of the property development, which was approved by the Executive Council in 2001, would have financial implication on the West Rail project. The Government Engineer/Railway Development (1), Highways Department expressed his support for the implementation of the Southern Public Transport Interchange (PTI) which was essential to the effective operation of WR and would replace the existing PTI to the south of SYLC. The Director of Leisure and Cultural Services (DLCS) advised that there was no implementation programme for the proposed open space even if the application was approved by the Committee;
- (h) public comments - 1,402 public comments were received during the

statutory publication period. The commenters include KCRC, 3 Legislative Councillors, 1 Yuen Long District Councillor, 3 concerned groups/parties, Village Representative (VR) of Tung Tau Tsuen enclosing 53 signatures, VRs and villagers of Nam Bin Wai, Yeung Uk Tsuen, Tsoi Uk Tsuen, Tung Tau Tsuen, San Pui Tsuen, Shui Tsiu San Tsuen and Kong Tau Tsuen, residents of SYLC, other local villagers/residents and the general public. All, except KCRC, supported the application. The details of the public comments were set out in paragraphs 9.2 and 9.3 of the Paper;

- (i) PlanD's views - PlanD did not support the application for reasons as detailed in paragraph 10.2 of the Paper in that adequate open space had been planned for Yuen Long New Town; the application site at the WR Yuen Long Station was suitable for high density residential development and in line with the Government's policy to allow higher density developments near rail stations and major PTIs; the development intensity of this "CDA" site was in line with that currently adopted in most parts of Yuen Long New Town; and the proposed "O" zoning and the deletion of the property development would sterilize the development potential of the "CDA" site which might have financial implication on the WR project. The designation of this "CDA" zone had gone through a due statutory planning process in 1998, and the objection from the Owners' Committee of SYLC had been duly considered by the Board under the provisions of the Town Planning Ordinance. KCRC's subsequent applications had improved the design; and the technical concerns raised by the applicants had either been addressed by KCRC or could be dealt with at the detailed design and implementation stage. As requested by the LegCo Members at the LegCo Case Conference on 7.2.2006, KCRC was considering the possibility of modifying the design of the proposed development to address the residents' grievances.

7. The Chairperson then invited the applicants and applicants' representatives to elaborate on their justifications for the application.

8. With the aid of a television clip and powerpoint presentation, Messrs. Mak Yip Sing, Edward Li Sang, Clement Chow Yiu Cheung and Leung Yin Kuen, and Ms. Anita Sin Lai Chun made the following main points :

- (a) KCRC's property development with tall buildings lining up in a row and without much space in between would create wall effect adversely affecting the air quality and light penetration to the surrounding developments. SYLC would be sandwiched on all sides by the proposed KCRC's property development at the application site. The distance between the two developments was only 4.5m in width at some locations. This would threaten the health of the residents in the area. Some academics and professionals also called for a design review and undertaking of an air ventilation assessment;
- (b) the development with building heights up to 60 storeys would have adverse visual impact on the surrounding area. The Chief Town Planner/Urban Design and Landscape also supported the rezoning application;
- (c) KCRC's property development would generate additional traffic to the already congested Yuen Long Town Centre. It included Long Lok Road as part of the development, closed off the existing footbridge linking Kei Tei and the WR Yuen Long Station, relocated the existing bus terminus in the application site and cycle parks, which would result in inconvenience to the residents and schoolchildren in the area. It would also threaten the structural safety of SYLC due to the existence of underground cavities;
- (d) following the rezoning of the application site to "CDA" in 1998, the surrounding areas were rezoned "CDA" for comprehensive development, e.g. YOHO Town, together with SYLC, other private developments and the village type developments in the area, there would be over 10,000 flats accommodating a population of about 40,000 to 50,000. Without

KCRC's development, there would still be adequate population in these developments to support WR's patronage;

- (e) the financial loss resulting from removing KCRC's property development at the application site would be limited compared with the benefit brought to the health of the local residents. It was noted that KCRC did not grant the offer in the first round of the tender exercise of the property development at WR Tuen Mun Station for reason that the tendered result and the amount offered were not satisfactory. This meant that KCRC was financially healthy and did not need the revenue from the development at the application site. Furthermore, KCRC could build its property development at the Long Ping Station instead;
- (f) given the housing development had already completed piling, KCRC argued that the proposed rezoning of the site to "O" would make the foundation costs abortive and the Government needed to provide more flats to meet the community's housing needs. However, costs should not be a relevant consideration and the application should be considered on its planning merits. Besides, the land application system had been providing adequate flat supply and there was no need for KCRC to provide more flats;
- (g) most of the Government, Institution or Community (GIC) facilities and open space were concentrated in Yuen Long West. Yuen Long East comprised mainly comprehensive developments with only an indoor recreation centre and was in lack of open space. There was a need for a youth centre and a Government building to accommodate the various Government facilities now scattered in various private developments in Yuen Long East. The application site currently included a bus terminus, a public toilet and amenity area, which served as a green lung for the area. The provision of an open space on this site would benefit the whole Yuen Long district. The current application for rezoning the site to "O" was therefore submitted for the Committee's consideration;

- (h) PlanD promulgated the guidelines on air ventilation assessment under the urban design guidelines in Chapter 11 of the Hong Kong Planning Standards and Guidelines in August 2006. Government departments should follow the Guidelines in assessing property development. The pollution problem in the Yuen Long district was severe and improvement of air circulation in the area should be seriously considered. Rezoning private developments to other uses might not be feasible. However, KCRC's property development had not been tendered out yet and the Government should take the lead to delete the development for better urban design in the area;
- (i) many LegCo councillors supported the SYLC residents' concerns and the proposed rezoning. The YLDC also objected to KCRC's property development at the application site. KCRC's planning application was first approved in early 2002, which was before the SARS outbreak. A review of the land use should now be made before the property development was constructed; and
- (j) SYLC was built by KCRC as part of the light rail development but the "CDA" zone violated the information in the sales brochure of SYLC. KCRC never consulted the residents and bore any moral responsibility. The Board's previous consultation through the District Council was ineffective. Only a few members of the Owners' Corporation of SYLC were informed of the incorporation of the "CDA" in the OZP.

9. Members had no question on the application.

10. As the applicants and 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 and applicants'

representatives as well as PlanD's representatives for attending the meeting. They all left the meeting at this point.

### Deliberation Session

11. Members had a lengthy discussion on the application and their views were summarised as follows:

- (a) although approval of the property development at the application site was first given in late 2001, KCRC had not yet proceeded with the development properly due to a downturn in the economy since 1998. Over the past few years, public expectation had changed a lot, calling for greater accountability and transparency in the planning system and the public were more concerned about urban design and built environment. The main issue was not just to placate the residents of SYLC and other surrounding developments, the Government would need to have a mechanism whereby KCRC would fine-tune its development proposals; and
- (b) it was understood that the applicants had no formal channel to voice their opinion and to comment on KCRC's property development. As such, they had made their views through the rezoning application;
- (c) while applicants' concerns and grievances were appreciated, it was not appropriate to agree to their application. The Board's mandate was to assess the application on planning grounds. Since the applicants had not provided strong justifications for the proposed "O" zoning of the site and DLCS advised that they had no plan to provide the proposed open space, there was no strong reason for amending the "CDA" zone which had been established through technical studies and thorough assessments, and gone through a due statutory plan-making process;
- (d) sites near rail and other mass transport system should be reserved for

higher density residential development on sustainability grounds to minimise walking distance, traffic generation and the associated environmental impacts;

- (e) the 4.5m separation distance between some of the towers proposed in KCRC's development and SYLC could in fact meet the relevant requirement under the Buildings Ordinance. Underground cavities were common in Yuen Long and Tin Shui Wai and the concern on structural safety would be taken care of by concerned Government departments in the development process; and
- (f) it was also noted that KCRC could proceed to implement the approved scheme even if the site was rezoned to "O".

12. Noting that subsequent to the LegCo Case Conference held on 7.2.2006, KCRC was exploring ways to address the residents' concerns, some Members considered that there was scope for improving the layout of the proposed development. For instance, Blocks 4 and 7 of the development facing Blocks 1 and 2 of SYLC which directly blocked the view of the latter might need redesigning.

13. Members were also of the view that the initiation to amend the already approved scheme should come from KCRC. KCRC could review and fine-tune its scheme and conduct an air ventilation assessment in the process, as appropriate. The revised scheme could then be submitted to the Town Planning Board for consideration.

14. Members considered that it would not be appropriate for the Board to act as a mediator between KCRC and the residents. KCRC should be advised to maintain a close dialogue with the YLDC and residents of the surrounding area to formulate a better scheme. The review of the development proposal at the application site would set a positive precedent for other developments.

15. The Committee asked the Secretariat to relay the residents' concerns and Members' views to KCRC and requested them to duly take into account their review of the

development proposal at the subject site.

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

- (a) there was adequate local open space provision for residents in Yuen Long New Town. The overall planned provision of district open space was also adequate to cope with the long-term requirement of the planned population in the Yuen Long New Town. There was no strong justification to rezone the subject site to “Open Space”;
- (b) the site was located at the prime location of strategic transport node. The “Comprehensive Development Area” (“CDA”) zoning intended for comprehensive commercial and residential development at the site was considered appropriate as it would optimize the use of valuable land resources; and
- (c) the Board had already approved the Master Layout Plan submission for the “CDA” site and the proposed development was considered sustainable in environmental, traffic and infrastructural terms. Other technical concerns including construction nuisances, fire risk, geotechnical safety, etc. about KCRC’s proposed comprehensive residential/commercial development at the site could be addressed by the project proponent at the detailed design and implementation stage.

17. There was a break of 5 minutes.

[Mr. Edmund K.H. Leung and Dr. Lily Chiang left the meeting at this point. Mr. Tony C.N. Kan left the meeting temporarily and Mr. Francis Ng arrived to join the meeting at this point.]

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

## **Agenda Item 4**

### **Section 16 Applications**

[Open Meeting (Presentation and Question Sessions only)]

- (i)           A/YL-HT/455           Temporary Open Storage of Construction Materials, Machinery and Workshop with Ancillary Office for a Period of 3 Years in “Recreation” zone, Lots 1188RP(Part), 1279(Part), 1281(Part), 1290(Part), 1291(Part), 1292, 1293, 1294(Part), 1295RP, 1296-1304, 1305RP, 1306RP(Part), 1321RP(Part), 1322RP, 1325RP, 1326RP, 1327-1330, 1331(Part), 1332(Part), 1339-1341, 1342A, 1342B, 1343-1350, 1351(Part), 1352(Part) and 1353(Part) in DD 125, Ha Tsuen, Yuen Long  
(RNTPC Paper No. A/YL-HT/455)
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### **Presentation and Question Session**

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

- (a)   background to the application;
- (b)   the proposed temporary open storage of construction materials, machinery and workshop with ancillary office;
- (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 via San Wai Road and Tin Ha Road, and environmental nuisance was expected. There were nine environmental complaints pertaining to the site in the past three years on grounds of adverse impacts on air and water quality, waste and noise;
- (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 12.2 of the Paper. The application was in line with the Town Planning Board (TPB) Guidelines for Application for Open Storage and Port Back-up Uses and not incompatible with the surrounding uses. The site fell within Category 2 and 3 areas, and all the conditions of the previous approval had been complied with. Concerned Government departments had no adverse comments on the application, except DEP. DEP's concern could be addressed by imposing approval conditions prohibiting operation at night time and on Sundays and public holidays. The applicant could also be advised to follow the "Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites".

19. In response to a Member's enquiry, Mr. Wilson Y.L. So, DPO/TMYL, advised that nine environmental complaints were received by DEP in the past three years. They were related to the concerns on air quality, waste, noise and water quality. However, there was in fact no sensitive receiver adjoining the application site, and DEP was mainly concerned about the impacts of en route traffic on the sensitive uses in the vicinity of the access road. To minimize such possible impacts, approval conditions restricting operation hours and days had been recommended.

#### Deliberation Session

20. Members agreed that the application generally complied with the relevant TPB Guidelines, and DEP's concern could be addressed by appropriate approval conditions.

21. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 1.9.2009, 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 from 11:00p.m. to 7:00a.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 existing landscape planting on the site should be maintained at all times during the planning approval period;
- (d) the existing drainage facilities on the site should be maintained at all times during the planning approval period;
- (e) 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 1.12.2006;
- (f) the provision of a 9-litre water type/3 kg dry powder fire extinguisher in the site office with 6 months from the date of planning approval to the satisfaction of Director of Fire Services or of the TPB by 1.3.2007;
- (g) if any of the above planning conditions (a), (b), (c) or (d) 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;
- (h) if any of the above planning condition (e) or (f) 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
- (i) upon expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the TPB.

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

applicant should be requested to take immediate action to discontinue such use/development not covered by the permission.

23. 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) follow the environmental mitigation measures as recommended in the “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Environmental Protection Department in order to minimize the potential environmental impacts on the adjacent area;
- (c) note the comments of the Assistant Commissioner for Transport/New Territories, Transport Department to clarify the land status and management/maintenance responsibilities of the access road leading to the site and to consult the relevant lands/maintenance authorities;
- (d) note the comments of the Director of Fire Services to approach the Dangerous Goods Division of his Department for advice on licensing of the premises for workshop purpose; and
- (e) note the comments of the Chief Building Surveyor/New Territories West, Buildings Department that all building works were subject to compliance with the Buildings Ordinance. Authorized Person should 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.

[Open Meeting (Presentation and Question Sessions only)]

- (ii) A/YL-HT/458 Proposed Temporary Warehouse (Storage and Sale of Organic Food and Gardening Plants) for a Period of 3 Years in “Agriculture” zone, Lot 384RP in DD 128, Ha Tsuen, Yuen Long  
(RNTPC Paper No. A/YL-HT/458)
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Presentation and Question Session

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

- (a) background to the application;
- (b) the proposed temporary warehouse (storage and sale of organic food and gardening plants);
- (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. The site was situated in an inner part of Deep Bay Road. The Assistant Commissioner for Transport/New Territories, Transport Department (AC for T/NT) raised concern on the setting of an undesirable precedent for similar application in the surrounding area, which would induce cumulative adverse traffic impact on the nearby road network;
- (d) one public comment was received from the Village Representative of Sheung Pak Nai Tsuen during the statutory publication period, objecting to the application on the ground that the proposed development would aggravate the traffic congestion along the one-way Deep Bay Road and cause inconvenience to the nearby residents; and

- (e) the Planning Department (PlanD)'s views – PlanD did not support the application for reasons as detailed in paragraph 11.1 of the Paper. The proposed development was not in line with the planning intention of “Agriculture” (“AGR”) zone and not compatible with the surrounding rural character. There was insufficient information to demonstrate that the items to be stored in the warehouse could not be accommodated in conventional godown premises. There was also no information to demonstrate that the proposed development would not cause any adverse environmental and traffic impacts, and the approval of the application would be an undesirable precedent.

25. Members had no question on the application.

#### Deliberation Session

26. Members noted that DEP and AC for T/NT did not support and had reservation on the application respectively. There was also local objection on ground of adverse traffic impact.

27. 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” (“AGR”) zone which was to retain and safeguard good quality agricultural land for agricultural purposes. “Agriculture” 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 such planning intention, even on a temporary basis;
- (b) there was insufficient information in the submission to demonstrate that the proposed development would not have adverse environmental and traffic impacts on the surrounding areas; and

- (c) approval of the application would set an undesirable precedent for applications for other developments within the “AGR” zone, the cumulative effect of which would result in a general degradation of the environment of the “AGR” zone.

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

[Open Meeting (Presentation and Question Sessions only)]

- (iii) A/YL-LFS/149 Proposed Temporary Open Storage of Construction Materials for a Period of 3 Years in “Residential (Group E)” zone, Lot 2189RP(Part) in DD 129 and Adjoining Government Land, Lau Fau Shan, Yuen Long (RNTPC Paper No. A/YL-LFS/149)
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#### Presentation and Question Session

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

- (a) background to the application;
- (b) the proposed temporary open storage of construction materials;
- (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, Transport Department (AC for T/NT) raised concern on the setting of an undesirable precedent which would induce cumulative adverse traffic impact on the nearby road network; and the Commissioner of Police (C of P) raised similar concern on the increased usage by heavy goods vehicles of the already congested

Lau Fau Shan Road due to the proposed development and similar applications;

- (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 12.2 of the Paper. The proposed use fell within Category 2 area. Most concerned Government departments and the locals had no objection to the application. DEP's concern could be addressed by imposing approval conditions prohibiting operation at night time and on Sundays and public holidays. The applicant could also be advised to follow the "Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites". Regarding AC for T/NT's and C of P's traffic concern, the applicant had advised that only light goods vehicle would be used and the traffic impact would not be substantial given the small size of the site. Approval conditions requiring the submission and implementation of vehicular access proposal had been recommended. A similar application No. A/YL-LFS/138 in respect of a bigger site of 5 ha to the east of the current application site was approved on 18.2.2005 for a temporary period of three years.

29. In response to a Member's enquiry about the difference between this application and the rejected application No. A/YL-LFS/144 to the further north as shown on Plan A-1 of the Paper, Mr. Wilson Y.L. So, DPO/TMYL advised that the latter application was the subject of a previous application No. A/YL-LFS/92 which was revoked due to non-compliance with approval conditions. Moreover, the vehicular access to that application site was via Deep Bay Road and there were local complaints, whilst the current application was via Lau Fau Shan Road.

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

### Deliberation Session

30. In view of a Member's concern on the existence of a domestic structure to the immediate north of the application site, the Chairperson asked if the resident had been notified of the application. Mr. Wilson Y.L. So advised that the resident had been notified by a letter but no comment was submitted to the Board. As the proposed use was small in scale, covering about 625m<sup>2</sup>, located in an area comprising open storage and workshop uses and no heavy goods vehicles would be used, the impact generated on the surrounding area would be limited. If Members were concerned about the domestic structure, a shorter approval period could be considered.

31. The same Member said that the domestic structure nearby should be duly taken into account when considering the potential impacts of the use under application. Another Member noted that the concerned resident had not made any comment on the application.

32. Members agreed that the application could be tolerated for three years and the departmental concerns could be addressed by imposing appropriate planning conditions as recommended by PlanD.

33. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 1.9.2009, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no repairing, cleaning, dismantling or workshop activity was allowed on the application site, as proposed by the applicant, at any time during the planning approval period;
- (b) no night-time operation between 6:00p.m. to 9:00a.m. should be carried out at the site, as proposed by the applicant, during the planning approval period;
- (c) no operation was allowed on Sundays and public holidays, as proposed by the applicant, during the planning approval period;

- (d) the submission of landscaping and tree preservation proposals within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 1.12.2006;
- (e) in relation to (d) above, the implementation of landscaping and 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 1.3.2007;
- (f) the implementation of the accepted 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 1.3.2007;
- (g) the submission of vehicular access proposal within 3 months from the date of planning approval to the satisfaction of the Commissioner of Transport or of the TPB by 1.12.2006;
- (h) in relation to (g) above, the provision of vehicular access within 6 months from the date of planning approval to the satisfaction of the Commissioner of Transport or of the TPB by 1.3.2007;
- (i) if any of the above planning conditions (a), (b) or (c) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice; and
- (j) if any of the above planning conditions (d), (e), (f), (g) or (h) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; 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.

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

- (a) note that shorter compliance periods were given in order to facilitate monitoring of the situation on site and compliance with approval conditions;
- (b) resolve any land issues relating to the development with the concerned owner(s) of the application site;
- (c) apply to the District Lands Officer/Yuen Long, Lands Department for Short Term Waiver and Short Term Tenancy to regularize the irregularities on site;
- (d) note the comments of the Assistant Commissioner for Transport/New Territories, Transport Department to clarify the land status and management/maintenance responsibilities of the access road leading to the site and to consult the relevant lands/maintenance authorities;
- (e) follow the environmental mitigation measures as recommended in the “Code of Practice on Handling Environmental Aspects of Open Storage and Temporary Uses” issued by the Environmental Protection Department in order to minimize the possible environmental nuisance; and
- (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 and the allied regulations. Action appropriate under the said Ordinance or other enactment might be taken if contravention was found.

[Open Meeting (Presentation and Question Sessions only)]

- (iv) A/YL-PS/247 Proposed Temporary Holiday Camp Development with Ancillary Facilities for a Period of 3 Years in “Recreation”, “Village Type Development” and “Conservation Area” zones, Lots 244, 245, 247, 248, 249, 250, 251, 252, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 267, 269, 270, 271, 274, 275, 276, 278, 279, 280, 281, 282, 284, 285, 286, 287 and 667 in DD 126 and Adjoining Government Land, Fung Ka Wai, Ping Shan, Yuen Long  
(RNTPC Paper No. A/YL-PS/247)
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#### Presentation and Question Session

35. The Committee noted that the application was the subject of a previous request for deferral of consideration of the application. On 16.8.2006, the applicant requested for a further deferment of the consideration of the application for another 2 months to allow time to resolve numerous local comments and various technical concerns raised by concerned Government departments.

#### Deliberation Session

36. Members agreed that sympathetic consideration might be given to the applicant’s request of further deferment in view of the need to resolve various concerns from locals and Government departments.

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

further deferment would be granted unless under very special circumstances.

[Open Meeting (Presentation and Question Sessions only)]

- (v)           A/YL-NTM/197       Temporary Container Vehicle Park and Container Storage Area with Ancillary Repairing Workshop for a Period of 3 Years in “Open Storage” zone, Lots 2356(Part), 2357-2363, 2365(Part), 2366(Part), 2367(Part), 2368(Part), 2369, 2370(Part), 2371, 2373-2377, 2704-2710, 2711(Part), 2712-2720, 2804RP, 2806RP, 2807RP, 2809RP, 2810-2813, 2814(Part), 2815(Part), 2816(Part), 2817, 2818, 2820-2831, 2832(Part), 2833–2838, 2839(Part), 2840, 2841, 2846, 2847and 2848 in DD 102 and Adjoining Government Land, Ngau Tam Mei, Yuen Long  
(RNTPC Paper No. A/YL-NTM/197)
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- (vi)           A/YL-NTM/198       Temporary Container Storage with Ancillary Office for a Period of 3 Years in “Open Storage” zone, Lots 2861(Part), 2863, 2870, 2871, 2873–2878, 2892–2895, 2896(Part), 2899(Part), 2900, 2901(Part), 2908(Part), 2909, 2910(Part), 2915(Part), 2916(Part), 2917(Part) and 2918(Part) in DD 102 and Adjoining Government Land, Ngau Tam Mei, Yuen Long  
(RNTPC Paper No. A/YL-NTM/198)
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- (vii) A/YL-NTM/199 Temporary Container Vehicle Park with Ancillary Repairing Workshop  
for a Period of 3 Years  
in “Open Storage” zone, Lots 2327, 2328(Part), 2329, 2330(Part), 2348, 2349, 2351, 2352, 2353, 2354, 2355A, 2355B, 2842(Part), 2843, 2844(Part), 2845(Part), 2849(Part), 2850, 2851, 2852A, 2852B(Part), 2853(Part), 2854-2857, 2858(Part), 2859, 2860, 2861(Part), 2896(Part), 2897, 2898 and 2899(Part) in DD 102  
and Adjoining Government Land, Ngau Tam Mei, Yuen Long  
(RNTPC Paper No. A/YL-NTM/199)
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#### Presentation and Question Session

38. Noting that Applications No. A/YL-NTM/197 to 199 were similar in nature and the application sites were close to each other, the Committee agreed to consider the three applications together.

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

- (a) background to the applications;
- (b) the proposed temporary container vehicle park and container storage area with ancillary repairing workshop (A/YL-NTM/197), the proposed temporary container storage with ancillary office (A/YL-NTM/198) and the proposed temporary container vehicle park with ancillary repairing workshop (A/YL-NTM/199);
- (c) departmental comments – the Director of Environmental Protection (DEP) did not support the three applications as there were sensitive uses in the vicinity of the application sites, and environmental nuisance was expected.

For application No. A/YL-NTM/199, there were three environmental complaints in the past three years on grounds of adverse noise, air and water quality impacts pertaining to the site. The Assistant Commissioner for Transport/New Territories, Transport Department raised concern as the daily traffic generation and the traffic impact arising from the three application sites and the adjacent sites of similar usage on the existing roads had not been provided. The Chief Engineer/Mainland North and Chief Engineer/Drainage Projects of Drainage Services Department had reservation on the applications. For application No. A/YL-NTM/197 and A/YL-NTM/199, part of the site would encroach upon and have an interface with the proposed drainage improvement works under PWP item 118CD which was scheduled to commence in June 2007. For applications No. A/YL-NTM/198 and A/YL-NTM/199, the applications were the subject of previous planning approvals but the proposed drainage works had not been implemented.

- (d) one public comment from a Yuen Long District Council Member was received during the statutory publication period objection to all three applications on grounds of compatibility with and adverse effect on the surrounding natural character and ecology of the Ki Lun Shan area; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the applications for reasons as detailed in paragraph 12.2 of the respective Papers. The temporary uses were generally in line with the planning intention of the “Open Storage” (“OS”) zone. The application sites fell within Category 1 areas and the applications generally complied with the Town Planning Board (TPB) Guidelines for Application for Open Storage and Port Back-up Uses No. TPB PG-No.13D. The departmental concerns relating to the environmental, traffic and drainage aspects could be addressed through the imposition of appropriate approval conditions. The concern on encroachment upon the works limits of PWP item could be addressed by setting back the site for application No. A/YL-NTM/197 and granting a shorter approval period of nine months for application No.

A/YL-NTM/199. Although the previous applications were revoked due to non-compliance with some of the planning conditions, the applicant had demonstrated efforts in complying with other conditions. Sympathetic consideration could be given to the applications but shorter approval and compliance periods were recommended. Regarding the public comment, the application sites fell within the “OS” zone and the Director of Agriculture, Fisheries and Conservation had no adverse comment on the ecological impact of the proposed development.

40. Members had no question on the applications.

#### Deliberation Session

41. Members agreed that the applications were generally in line with the TPB Guidelines No. 13D and a shorter approval period of 2 years could be granted for applications No. A/YL-NTM/197 and 198, and 9 months for application No. A/YL-NTM/199 so as not to affect the implementation of the concerned drainage project.

42. After deliberation, the Committee decided to approve application No. A/YL-NTM/197 on a temporary basis for a period of 2 years until 1.9.2008, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) the setting back of the site boundary to avoid encroachment on the works limit of the “Drainage Improvement in Northern NT Package B – Drainage Improvement Works in Ki Lun Tsuen, Yuen Long, New Territories” project as when required by Government departments;
- (b) no night-time operation between 11:00 p.m. and 8:00 a.m. was allowed on the site during the planning approval period;
- (c) no operation on Sundays or public holidays was allowed on the site during the planning approval period;

- (d) the submission of vehicular access proposals for the site within 3 months from the date of planning approval to the satisfaction of the Commissioner for Transport or of the TPB by 1.12.2006;
- (e) in relation to (d) above, the implementation of the accepted vehicular access proposal within 6 months from the date of planning approval to the satisfaction of the Commissioner for Transport or of the TPB by 1.3.2007;
- (f) the submission of run-in proposal within 3 months from the date of planning approval to the satisfaction of the Director of Highways or of the TPB by 1.12.2006;
- (g) in relation to (f) above, the implementation of the accepted run-in proposal within 6 months from the date of planning approval to the satisfaction of the Director of Highways or of the TPB by 1.3.2007;
- (h) the submission of landscaping and tree preservation proposals within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 1.12.2006;
- (i) in relation to (h) above, the implementation of the accepted landscaping and 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 1.3.2007;
- (j) the submission of a Drainage Impact Assessment within 3 months from the date of the planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 1.12.2006;
- (k) in relation to (j) above, the implementation of flood mitigation measures and provision of drainage facilities as identified in the Drainage Impact Assessment within 6 months from the date of planning approval to the

satisfaction of the Director of Drainage Services or of the TPB by 1.3.2007;

- (l) the provision of fencing of the site within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 1.12.2006;
- (m) if any of the above planning conditions (a), (b) or (c) was not complied with during the approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (n) if any of the above planning condition (d), (e), (f), (g), (h), (i), (j), (k) or (l) 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
- (o) upon expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the TPB.

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

- (a) resolve any land issues relating to the development with the concerned owner(s) of the application site;
- (b) note that shorter approval and compliance periods had been imposed in order to monitor the situation on site and the fulfillment of approval conditions;
- (c) apply to the District Lands Office/Yuen Long (DLO/YL) for Short Term Waiver for erection of structures on the site and Short Term Tenancy for occupation of Government land and consult DLO/YL regarding all the proposed drainage works outside the site boundary;

- (d) note the comments of the Chief Engineer/Mainland North, Drainage Services Department to consult DLO/YL regarding all the proposed drainage works outside the site boundary, to construct and maintain all proposed drainage facilities at his own costs, and not to disturb or block all existing drains, channels and streams within and in the vicinity of the site. No public sewerage maintained by his Office was currently available for connection;
- (e) comments of the Chief Engineer/Development(2), Water Supplies Department (WSD) to bear the cost of any necessary diversion works of existing water mains 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 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. 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;
- (f) note the comments of the Chief Highway Engineer/New Territories West, Highways Department (HyD) to construct a run-in in accordance with the latest version of HyD's Standard Drawings No. H1113 and H1114 or H5115 and H5116 whichever set as appropriate to match the pavement type of the adjacent footpaths and that his Office was not responsible for the maintenance of any existing vehicular access connecting the site and Kwu Tung Road;
- (g) follow the environmental mitigation measures as recommended in the "Code of Practice on Handling Environmental Aspects of Temporary Uses

and Open Storage Sites” issued by the Environmental Protection Department in order to minimize the possible environmental nuisance;

- (h) note the comments of the Director of Agriculture, Fisheries and Conservation that mitigatory and safety measures should be taken; and the existing access roads, water sources and drainage should be maintained in order not to cause any disturbance to the fish pond farming;
- (i) approach the Dangerous Goods Division of the Fire Services Department for advice on licensing of the site for repairing workshop purpose; and
- (j) note the comments of the Chief Building Surveyor/New Territories West, Buildings Department that all building works were subject to compliance with the Buildings Ordinance. Authorized Person should 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.

44. After deliberation, the Committee decided to approve application No. A/YL-NTM/198 on a temporary basis for a period of 2 years until 1.9.2008, 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 11:00 p.m. and 8:00 a.m. was allowed on the site during the planning approval period;
- (b) no operation on Sundays or public holidays was allowed on the site during the planning approval period;
- (c) the submission of vehicular access proposals for the site within 3 months from the date of planning approval to the satisfaction of the Commissioner for Transport or of the TPB by 1.12.2006;

- (d) in relation to (c) above, the implementation of the vehicular access proposal within 6 months from the date of planning approval to the satisfaction of the Commissioner for Transport or of the TPB by 1.3.2007;
- (e) the submission of landscaping and tree preservation proposals within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 1.12.2006;
- (f) in relation to (e) above, the implementation of landscaping and 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 1.3.2007;
- (g) the submission of a Drainage Impact Assessment within 3 months from the date of the planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 1.12.2006;
- (h) in relation to (g) above, the implementation of flood mitigation measures and provision of drainage facilities as identified in the Drainage Impact Assessment within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 1.3.2007;
- (i) the provision of fencing of the site within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 1.12.2006;
- (j) if any of the above planning conditions (a) or (b) was not complied with during the approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (k) if any of the above planning condition (c), (d), (e), (f), (g), (h) or (i) 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

- (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.

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

- (a) resolve any land issues relating to the development with the concerned owner(s) of the application site;
- (b) note that shorter approval period and compliance periods had been imposed in order to monitor the situation of the site and the fulfillment of approval conditions;
- (c) apply to District Lands Office/Yuen Long (DLO/YL) for Short Term Waiver for erection of structures on the site and Short Term Tenancy for occupation of Government land and consult DLO/YL regarding all the proposed drainage works outside the site boundary;
- (d) note the comments of the Chief Engineer/Mainland North, Drainage Services Department to consult DLO/YL regarding all the proposed drainage works outside the site boundary, to construct and maintain all proposed drainage facilities at his own costs, and not to disturb or block all existing drains, channels and streams within and in the vicinity of the site. No public sewerage maintained by his Office was currently available for connection;
- (e) comments of the Chief Engineer/Development(2), Water Supplies Department (WSD) to bear the cost of any necessary diversion works of existing water mains 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 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. 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;

- (f) note the comments of the Chief Highway Engineer/New Territories West, Highways Department that his Office was not responsible for the maintenance of any existing vehicular access connecting the site with Kwu Tung Road;
- (g) note the comments of the Assistant Commissioner for Transport/New Territories, Transport Department to clarify the land status and management/maintenance responsibilities of the access road leading to the site from Kwu Tung Road and to consult the relevant lands/maintenance authorities;
- (h) follow the environmental mitigation measures as recommended in the “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Environmental Protection Department in order to minimize the possible environmental nuisance;
- (i) note the comments of the Director of Agriculture, Fisheries and Conservation that mitigatory and safety measures should be taken; and the existing access roads, water sources and drainage should be maintained in order not to cause any disturbance to the fish pond farming; and
- (j) note the comments of the Chief Building Surveyor/New Territories West,

Buildings Department that all building works were subject to compliance with the Buildings Ordinance. Authorized Person should 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.

46. After deliberation, the Committee decided to approve application No. A/YL-NTM/199 on a temporary basis for a period of 9 months until 1.6.2007, 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 8:00 a.m. was allowed on the site during the planning approval period;
- (b) no operation on Sundays or public holidays was allowed on the site during the planning approval period;
- (c) the submission of vehicular access proposals including swept path analysis for the site within 3 months from the date of planning approval to the satisfaction of the Commissioner for Transport or of the TPB by 1.12.2006;
- (d) in relation to (c) above, the implementation of the accepted vehicular access proposal within 6 months from the date of planning approval to the satisfaction of the Commissioner for Transport or of the TPB by 1.3.2007;
- (e) the submission of landscaping and tree preservation proposals within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 1.12.2006;
- (f) in relation to (e) above, the implementation of landscaping and 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 1.3.2007;

- (g) the submission of a Drainage Impact Assessment within 3 months from the date of the planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 1.12.2006;
- (h) in relation to (g) above, the implementation of flood mitigation measures and provision of drainage facilities as identified in the Drainage Impact Assessment within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 1.3.2007;
- (i) the provision of fencing of the site within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 1.12.2006;
- (j) if any of the above planning conditions (a) or (b) was not complied with during the approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (k) if any of the above planning condition (c), (d), (e), (f), (g), (h) or (i) 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
- (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.

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

- (a) resolve any land issues relating to the development with the concerned owner(s) of the application site;

- (b) note that shorter approval period had been imposed in order not to jeopardize the implementation of PWP item 118CD “Drainage Improvement in Northern NT Package B – Drainage Improvement Works in Ki Lun Tsuen, Yuen Long, New Territories” and shorter compliance periods had been imposed in order to monitor the fulfillment of approval conditions;
- (c) apply to the District Lands Office/Yuen Long (DLO/YL) for Short Term Waiver for erection of structures on the site and Short Term Tenancy for occupation of Government land and consult DLO/YL regarding all the proposed drainage works outside the site boundary;
- (d) note the comments of the Chief Engineer/Mainland North, Drainage Services Department to consult DLO/YL regarding all the proposed drainage works outside the site boundary, to construct and maintain all proposed drainage facilities at his own costs, and not to disturb or block all existing drains, channels and streams within and in the vicinity of the site. No public sewerage maintained by his Office was currently available for connection;
- (e) note the comments of the Chief Engineer/Development(2), Water Supplies Department (WSD) to bear the cost of any necessary diversion works of existing water mains 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 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. 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;

- (f) note the comments of the Chief Highway Engineer/New Territories West, Highways Department that his Office was not responsible for the maintenance of any existing vehicular access connecting the site and Kwu Tung Road;
- (g) note the comments of the Assistant Commissioner for Transport/New Territories, Transport Department to clarify the land status and management/maintenance responsibilities of the access road leading to the site from Kwu Tung Road and to consult the relevant lands/maintenance authorities;
- (h) follow the environmental mitigation measures as recommended in the “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Environmental Protection Department in order to minimize the possible environmental nuisance;
- (i) note the comments of the Director of Agriculture, Fisheries and Conservation that mitigatory and safety measures should be taken; and the existing access roads, water sources and drainage should be maintained in order not to cause any disturbance to the fish pond farming;
- (j) approach the Dangerous Goods Division of the Fire Services Department for advice on licensing of the site for repairing workshop purpose; and
- (k) note the comments of the Chief Building Surveyor/New Territories West, Buildings Department that all building works were subject to compliance with the Buildings Ordinance. Authorized Person should 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.

[Open Meeting (Presentation and Question Sessions only)]

- (viii) A/YL-ST/312 Temporary Container Vehicle Park, Container Storage Area, Vehicle Repair and Canteen for a Period of 3 Years in “Other Specified Uses” annotated “Service Stations” zone, Lots 372DRP(Part), 743RP(Part) and 744RP(Part) in DD 99 and Adjoining Government Land, San Tin, Yuen Long (RNTPC Paper No. A/YL-ST/312)
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Presentation and Question Session

48. 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 container vehicle park, container storage area, vehicle repair and canteen;
- (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;
- (d) no public comment was received during the statutory publication periods for the application and the further information submitted, 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 12.2 of the Paper. To address DEP’s concern, the applicant could be advised to follow the “Code

of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” to minimize potential environmental impacts on the surrounding areas.

49. Members had no question on the application.

#### Deliberation Session

50. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 1.9.2009, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) the submission of landscaping proposals within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 1.12.2006;
- (b) in relation to (a) above, the implementation of landscaping proposals within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 1.3.2007;
- (c) 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 1.12.2006;
- (d) in relation to (c) above, the implementation of drainage proposals within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 1.3.2007;
- (e) the submission of vehicular access arrangement proposal within 3 months from the date of planning approval to the satisfaction of the Commissioner for Transport or of the TPB by 1.12.2006;
- (f) in relation to (e) above, the implementation of vehicular access

arrangement proposal within 6 months from the date of planning approval to the satisfaction of the Commissioner for Transport or of the TPB by 1.3.2007;

- (g) the submission of a proper run-in proposal for the site within 3 months from the date of planning approval to the satisfaction of the Director of Highways or of the TPB by 1.12.2006;
- (h) in relation to (g) above, the provision of a proper run-in within 6 months from the date of planning approval to the satisfaction of the Director of Highways or of the TPB by 1.3.2007;
- (i) the submission of fire service installations proposal within 3 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 1.12.2006;
- (j) in relation to (i) above, the provision of fire service installations proposed within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 1.3.2007;
- (k) if any of the above planning conditions (a), (b), (c), (d), (e), (f), (g), (h), (i) or (j) 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
- (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.

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

not covered by the permission.

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

- (a) note shorter compliance periods were imposed so as to closely monitor the fulfillment of approval conditions;
- (b) resolve any land issues relating to the development with the concerned owner(s) of the application site;
- (c) note the District Lands Officer/Yuen Long, Lands Department's comments that the lot under application was an Old Schedule Agricultural Lot held under the Block Government Lease under which no structures were allowed to be erected without prior approval from his Office. The unauthorized structures and illegal occupation of Government land should be regularized through application for Short Term Waiver and Shorter Term Tenancy to his Office. However, his Office did not guarantee the approval upon application;
- (d) follow the environmental mitigation measures as recommended in the "Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites" issued by the Environmental Protection Department to minimize potential environmental impacts on the surrounding areas;
- (e) note the Chief Highway Engineer/West, Highways Department's advice that the applicant need to check and liaise with the contractor of the 'Improvement to San Tin Interchange' project with a view to ensuring smooth interface during the course of construction of the subject road project on site;
- (f) 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 site under the Buildings Ordinance and the allied regulations. Actions appropriate under the Buildings Ordinance or other enactment might be taken if contravention was found. Formal submission of any proposed new building works, including any temporary structure, for approval under the Buildings Ordinance and provision of emergency vehicular access under the Building (Planning) Regulation 41D were required;

- (g) note the Chief Engineer/Mainland North, Drainage Services Department's comments that the approval of the drainage plan should be sought prior to the implementation of drainage work on site;
- (h) note the Director of Fire Services' advice that the applicant/operator should, when necessary, approach his Dangerous Goods Division for advice on licensing of the premises for the vehicle repairing in which storage/use of Dangerous Goods are likely and, if the proposed canteen was open for public, comment should be sought from the relevant regional office of his Department; and
- (i) note the Director of Food and Environmental Hygiene's advice that the canteen should be used exclusively of the employee of the works place and should be operated by the applicant or his agent. The operation on site should not create any environmental nuisance to the surroundings and the management of the car park was responsible for removal and disposal of the trade refuse.

[Open Meeting (Presentation and Question Sessions only)]

- (ix) A/YL-TYST/322 Proposed Residential cum Government, Institution or Community Development with Minor Relaxation of Maximum Building Height Restriction (Amendments to Approved Scheme) in “Comprehensive Development Area” and “Green Belt” zones, Lot 2064 in DD 121, Hung Shui Kiu, Yuen Long (RNTPC Paper No. A/YL-TYST/322)
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Presentation and Question Session

53. The Chairperson referred Members to the replacement Plans A-Ia, A-Ib and A2 which had been faxed to them and tabled at the meeting for their information.

54. 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, highlighting that the Committee previously deferred the consideration of the application with a view to considering it together with another application No. A/YL-TYST/324 relating to the adjoining site since it would be desirable if land within the same “Comprehensive Development Area” (“CDA”) zone could be developed in a comprehensive and integrated manner. Subsequently, the applicants’ representatives of the two applications indicated that they would not contemplate site amalgamation as the land grant had already been executed in May 2005. However, they had reached an agreement to address the problems of right of way and design compatibility;
- (b) the proposed residential cum Government, Institution or Community development with minor relaxation of maximum building height restriction (amendments to approved scheme);

- (c) departmental comments – the Director of Environmental Protection (DEP) did not support the revised scheme as there was insufficient information to demonstrate that the proposal would be a better scheme. He reiterated that the fundamentals of good environmental planning was to adopt practicable measures to better design and plan sensitive developments to avoid adverse environmental impact. He considered that apart from noise compliance rate, change in design constraints should also be taken into account when assessing a revised scheme. He reminded the applicant to inform the potential purchaser of the flats (such as via sales brochure or relevant documents) that the predicted traffic noise levels at individual premises exceeded the Hong Kong Planning Standards and Guidelines (HKPSG) limits, especially for those flats that would be exposed to excessive traffic noise levels;
  
- (d) four and three public comments respectively were received during the statutory publication period for the application and the further information. The Yuen Long District Council Member objected to the application on traffic and inadequate provision of community facilities grounds. The Village Representative of Tai Tao Tsuen raised objection for the reasons that it would lead to flooding and adverse visual impacts, and that there was a lack of proper planning on footpath and vehicular access. The private individual objected on grounds of adverse visual impacts and insufficient information on impacts on surrounding areas. When the further information was published, the three commenters reiterated their objection again. The planning consultant for the proposed comprehensive development in the site adjoining the eastern and western portion of the same “CDA” i.e. application No. A/YL-TYST/324 requested the Board to impose a condition for the applicant to provide the permanent vehicular access through the application site to the commenter’s development; and
  
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application for reasons as detailed in paragraph 11.2 of the Paper. The current application was an improvement as compared with application No.

A/YL-TYLST/32 in design and layout as it improved the congested site conditions in the previous scheme and enhanced the visual permeability of the overall development. It was considered more desirable from planning and urban design point of view. The height of maximum of 19 storeys and 81mPD were the same as application No. A/YL-TYST/32 but the built form and disposition of the development would be aesthetically more pleasing. The Chief Architect/ASC of Architectural Services Department considered the revised height would reduce the adverse effect on the provision of natural lighting and ventilation for the surrounding areas and was not incompatible with the height profile of the surrounding area. DEP did not support the application but the scheme achieved a better layout while meeting the compliance rate on noise level. Besides, the site was smaller than 2ha and hence not subject to the road traffic noise exposure compliance. The applicant had also proposed mitigation measures and approval condition had been recommended in this regard. The commenters' objection and requests could be addressed as Government departments had no adverse comments and approval conditions had been recommended accordingly.

55. Mr. Anthony C. Y. Lee invited Members to note the outcome of the discussion between the applicants' representatives as highlighted in his presentation and consider whether or not to proceed with the consideration of the subject application on its own merits.

56. In response to a Member's enquiry on the access roads within the site, Mr. Wilson Y.L. So, DPO/TMYL, advised that they were internal access but would also serve as the right of way for the adjoining site in the east and west under application No. A/YL-TYST/324.

#### Deliberation Session

57. Noting the latest position of the application and application No. A/YL-TYST/324, and that the subject application was largely an amendment scheme, the Committee agreed to proceed with the consideration of the subject application on its own merits.

58. A Member was concerned whether the proposed development would result in wall effect. Noting that DEP still had concern on the traffic noise problem, another Member asked whether the current application was an improvement as compared to the rejected application No. A/YL-TYST/299. Mr. Wilson Y.L. So advised that the Chief Town Planner/Urban Design and Landscape considered the revised scheme an improvement to the single aspect building design in the previously approved application No. A/YL-TYST/32. The revised scheme involved reduction in the number of residential towers blocks from 10 to 7 in exchange for 46 town houses. Only Tower 1 was a single aspect building. Although the proposed development only achieved a noise compliance rate of 80% as compared with 83% in the previously approved scheme, the revised scheme had struck a balance between improving the layout and design whilst increasing the noise compliance rate compared with the previous application No. A/YL-TYST/299 rejected on 3.3.2006 which had a compliance rate of 68% only.

59. Another Member enquired on the details about the right of way for application No. A/YL-TYST/324 and whether the approval of this application would prejudice that application. Mr. Wilson Y.L. So replied that the permanent access for the application site and the adjoining development would be via a new extended road connecting Hung Shun Road and the application site. A right of way would be provided through the application site for future development at the adjoining site which was the subject of application No. A/YL-TYST/324. The current application site had already completed the land exchange process with Lands Department, and the applicant was not prepared to have joint development with the adjoining site which would require a lease modification. However, the applicant was willing to accept an approval condition to effect the proposed right of way and this could be implemented through the Deed of Mutual Covenant (DMC) of this development. In this regard, an approval condition was recommended. Mr. Francis Ng added that he could not confirm whether it would be acceptable to effect the proposed right of way by way of the DMC as legal advice had not been sought.

60. Mr. Elvis Au said that the previously approved scheme under application No. A/YL-TYST/32 was preferred as it could achieve 83% noise compliance rate itself. Together with the noise barriers provided in the Yuen Long Highway Widening Project, 100%

compliance rate could be achieved. He added that many buildings in Hong Kong could not meet the noise compliance standard. The Legislative Council (LegCo) was very concerned about the problem. It would be difficult to mitigate the traffic noise impact once a development had been completed. As such, the traffic noise impact should be minimised at the planning stage as far as possible.

61. In response to the Chairperson's request for a brief comparison between the previously approved application No. A/YL-TYST/32 and the current application, Mr. Wilson Y.L. So explained that the layout and height profile of the two schemes were similar. All buildings in application No. A/YL-TYST/32 were single aspect buildings and the noise compliance rate was 100% with the installation of the noise barriers in the Yuen Long Highway Widening Project. In the current application, only Tower 1 was a single aspect building, the number of residential towers had been reduced from 10 to 7, 46 town houses were proposed in lieu of the 3 towers. Also, the previously proposed 8-storey car-parking building had been removed. The revised scheme represented an improvement in terms of the overall layout and building design.

62. After deliberation, the Committee decided to approve the application and the Master Layout Plan (MLP) under section 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 1.9.2010, 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 a revised Master Layout Plan (MLP), to take into account conditions (b), (c), (d), (f), (g), (h) and (i) below, to the satisfaction of the Director of Planning or of the TPB;
- (b) the submission and implementation of comprehensive tree survey report, landscape master plan including a tree preservation and compensatory planting scheme to the satisfaction of the Director of Planning or of the TPB;

- (c) the design and provision 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 including the provision of vehicle parking and loading/unloading facilities and implementation of the mitigation measures as proposed to the satisfaction of the Commissioner for Transport or of the TPB;
- (e) the submission and implementation of drainage proposals to the satisfaction of the Director of Drainage Services or of the TPB;
- (f) the submission and implementation of vehicular access proposal to the satisfaction of the Commissioner of Transport or of the TPB;
- (g) the provision of Emergency Vehicular Access (EVA), water supply for fire-fighting and fire service installations to the satisfaction of the Director of Fire Services or of the TPB;
- (h) the design and disposition of the building blocks to the satisfaction of the Director of Planning or of the TPB;
- (i) the provision of a right of way for the adjacent residential development at Lots 404 and 398 RP in DD121.

63. 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 4A(3) of the Town Planning (Amendment) Ordinance 2004. 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 Chief Highway Engineer/New Territories West, Highways Department's comments that internal roads within the lot should be designed and constructed to Transport Planning and Design Manual and Highways Department's standard, otherwise, properly manned gates should be installed at the entrance. The temporary run-in at Castle Peak Road should be constructed according to the latest version of Highways Standard Drawings No. H1113 and H1114 or H5115 and H5116 whichever set as appropriate to suit the type of pavement of adjacent footpath. The applicant should submit the details to his Region for comment before implementation, and should also be responsible to reinstate the pavement at this location to the original status when the permanent access was completed;
- (c) note the Director of Environmental Protection's comments that the potential purchaser of the flats should be informed forefront (such as via sale brochure or relevant documents) that the predicted traffic noise levels at individual premises, in particular those would be exposed to traffic noise levels exceed the HKPSG limits;
- (d) note the Chief Building Surveyor/New Territories West, Buildings Department's comments that the site should abut and be accessible from Castle Peak Road–Hung Shui Kiu of not less than 4.5m wide. Otherwise, the development intensity would be determined under Building (Planning) Regulation 19(3). The vehicular access point of not less than 4.5m wide leading from Castle Peak Road to the application site should be permanent and should be completed prior to Occupation Permit application. The headroom of the entrance lobbies on G/F of the residential towers was considered excessive and should be included in Gross Floor Area calculation. The proposed right-of-way for Lots 404 and 398 RP in DD121 within the regrant site should be deducted from the site area for the purpose of site coverage and plot ratio calculations under the Buildings Ordinance;

- (e) note the Director of Fire Services's comments that detailed fire safety requirements would be formulated upon receipt of formal submission of general building plans. The EVA provision at the site should comply with the standard as stipulated in the Part VI of the Code of Practice for Means of Access for Firefighting and Rescue under the Building (Planning) Regulation 41D;
  
- (f) note the Chief Engineer/Development (2), Water Supplies Department's comments that the site boundary at the north-western corner should be set back 3m from the centerline of the existing 700mm diameter MS pipe. In case it was not feasible, a waterworks reserve within 3m from the centerline of the said water main should be provided to his Department. No structure should be erected over this waterworks reserve and such area should not be used for storage purpose. Besides, the existing 1.5" water main at the south-western corner of the site might also be affected. The developer should bear the cost of any necessary diversion works affected by the proposed development; and
  
- (g) liaise with the concerned lot owners of the remaining portions of the "Comprehensive Development Area" zone with a view to working out an acceptable scheme on the overall design and layout including the permanent access arrangement.

[Open Meeting (Presentation and Question Sessions only)]

- (x)           A/YL-TYST/328      Temporary Warehouse for Storage of Sanitary Ware  
and Metal Ware  
for a Period of 3 Years  
in “Undetermined” and “Residential (Group C)” zones,  
Lots 1265(Part), 1266(Part), 1271(Part), 1272, 1273(Part),  
1275(Part), 1276(Part), 1277A, 1277RP(Part), 1279B(Part)  
and 1279B1(Part) in DD 119  
and Adjoining Government Land, Pak Sha Tsuen,  
Yuen Long  
(RNTPC Paper No. A/YL-TYST/328)
- 
- (xi)           A/YL-TYST/329      Temporary Warehouse for Storage of Furniture,  
Construction Materials/  
Machinery and Household Detergent  
for a Period of 3 Years,  
in “Undetermined” zone,  
Lots 1198A and 1198C to 1198G(Part), 1201(Part),  
1202RP(Part), 1210FRP(Part), 1225(Part),  
1226(Part), 1238(Part), 1239(Part),  
1252(Part) and 1253(Part) in DD 119,  
Tong Yan San Tsuen, Yuen Long  
(RNTPC Paper No. A/YL-TYST/329)
- 

Presentation and Question Session

64.           Noting that Applications No. A/YL-TYST/328 and 329 were similar in nature and the application sites were close to each other, the Committee agreed to consider the two applications together.

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

- (a)   background to the applications;

- (b) the proposed temporary warehouse for storage of sanitary ware and metal ware (Application No. A/YL-TYST/328) and the temporary warehouse for storage of furniture, construction materials/machinery and household detergent (Application No. A/YL-TYST/329);
- (c) departmental comments – the Director of Environmental Protection (DEP) did not support the application No. A/YL-TYST/328 as there were sensitive receivers near the application site, and environmental nuisance was expected,
- (d) one public comment each from the Shap Pat Heung Rural Committee (RC) was received for the respective applications during the statutory publication period. For application No. A/YL-TYST/328, the RC raised concern on potential flooding, air and other environmental problems. For application No. A/YL-TYST/329, they objected to the application on traffic, dust, air and noise nuisance grounds.
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the applications for reasons as detailed in paragraph 11.1 of the respective Papers. Majority of the site (99%) for application No. A/YL-TYST/328 and the whole site of application No. A/YL-TYST/329 fell within the “Undetermined” zone. The development was not incompatible with the surrounding areas which were mainly occupied by warehouses, open storage yards and/or workshops. Regarding DEP's concern, the applicants proposed to restrict the operation hours to 9 a.m. to 7 p.m. (for A/YL-TYST/328) and 7 a.m. to 7 p.m. (for A/YL-TYST/329). No workshop activities would be carried out on the sites, and no heavy goods vehicle would be used. DEP's concern and the public comment could be addressed by the imposition of appropriate approval conditions. The Drainage Services Department and Transport Department had no adverse comments on the drainage and traffic aspects.

66. Members had no question on the applications.

Deliberation Session

67. After deliberation, the Committee decided to approve application No. A/YL-TYST/328 on a temporary basis for a period of 3 years until 1.9.2009, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no operation between 7 p.m and 9 a.m. was allowed on the site, as proposed by the applicant, during the planning approval period;
- (b) no operation on Sundays and public holidays was allowed on the site, as proposed by the applicant, during the planning approval period;
- (c) no open storage, repairing, dismantling, cleaning and workshop activities should be carried out on the site, as proposed by the applicant, at any time during the planning approval period;
- (d) no vehicles over 5.5 tonnes were allowed for the operation of the site, as proposed by the applicant, at any time during the planning approval period;
- (e) the submission of landscaping proposals within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 1.3.2007;
- (f) in relation to (e) above, the implementation of landscaping proposals within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 1.6.2007;
- (g) the submission 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 1.3.2007;

- (h) in relation to (g) above, the implementation of the drainage proposals within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 1.6.2007;
- (i) the submission of Emergency Vehicular Access (EVA), water supplies for fire fighting and 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 1.3.2007;
- (j) in relation to (i) above, the implementation of the EVA, water supplies for fire fighting and fire service installations proposals within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 1.6.2007;
- (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.

68. 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, Lands Department's comments that no structure was allowed to be erected without prior approval from his office. Unauthorized structures were erected on the site and Government land was occupied without approval from his office. His office reserved the right to take enforcement/control action against these irregularities. The occupier/landowners should apply for a STT and STWs to regularize the irregularities on the site. Should no STW or STT application be received/approved, and the irregularities persist on the site, his office would consider taking appropriate land control/lease enforcement action against the occupier/registered owners;
- (c) note the Assistant Commissioner for Transport/New Territories, Transport Department's comments that the land status of the road/path/track leading to the site from Kung Um Road 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 also be consulted accordingly;
- (d) note the Chief Highway Engineer/New Territories West, Highways Department's comments that his office did not maintain the access track between the site and Kung Um Road;
- (e) follow the environmental mitigation measures as recommended in the "Code of Practice on Handling Environmental Aspects of Open Storage and Temporary Uses" issued by the Environmental Protection Department in order to minimize the possible environmental nuisance;
- (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. Authorized Person should 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 unauthorized works in the future;

- (g) note the Director of Fire Services' comments that detailed fire safety requirements would be formulated upon receipt of formal submission of general building plans. The EVA provision on the site should comply with the standard as stipulated in the Part VI of the Code of Practice for Means of Access for Firefighting and Rescue under the Building (Planning) Regulation 41D; and
- (h) note the Chief Engineer/Development (2), Water Supplies Department's (WSD) comments that for provision of water supply to the development, the applicant might need to extend his/her inside services to the nearest Government water mains for connection. The applicant should resolve any land matter (such as private lots) associated with the provision of water supply and should be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD's standard.

69. After deliberation, the Committee decided to approve application No. A/YL-TYST/329 on a temporary basis for a period of 3 years until 1.9.2009, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no operation between 7 p.m and 7 a.m. was allowed on the site, as proposed by the applicant, during the planning approval period;
- (b) no operation was allowed on any Sundays or public holidays, as proposed by the applicant, during the planning approval period;
- (c) no open storage, repairing, dismantling and workshop activities should be

carried out on the site, as proposed by the applicant, 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, as proposed by the applicant, at any time during the planning approval period;
- (e) the landscape planting on the site should be maintained at all times during the planning approval period;
- (f) the existing drainage facilities on the site should be maintained at all times during the planning approval period;
- (g) the submission of record plan and colour photos of the existing drainage facilities on the site implemented under the previous application (No. A/YL-TYST/213) within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 1.3.2007;
- (h) the submission of Emergency Vehicular Access (EVA), water supplies for fire fighting and 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 1.3.2007;
- (i) in relation to (h) above, the implementation of the EVA, water supplies for fire fighting and fire service installations proposals within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 1.6.2007;
- (j) 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;

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

70. 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, Lands Department's comments that no structure was allowed to be erected without prior approval from his office. The applicant should rectify the irregularities on Lots 1198 S.A and 1198 S.C to G in DD119, otherwise, his office would consider appropriate enforcement/control action against the owners. However, there was no guarantee that the application for STW would ultimately be approved;
- (c) note the Assistant Commissioner for Transport/New Territories, Transport Department's comments that the land status of the road/path/track leading to the site from Kung Um Road 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 also be consulted accordingly;
- (d) note the Chief Highway Engineer/New Territories West, Highways Department's comments that his office did not maintain the access track between the site and Kung Um Road;
- (e) follow the environmental mitigation measures as recommended in the

“Code of Practice on Handling Environmental Aspects of Open Storage and Temporary Uses” issued by the Environmental Protection Department in order to minimize the possible environmental nuisance;

- (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. Authorized Person should 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 unauthorized works in the future; and
- (g) note the Director of Fire Services’ comments that detailed fire safety requirements would be formulated upon receipt of formal submission of general building plans. The EVA provision on the site should comply with the standard as stipulated in the Part VI of the Code of Practice for Means of Access for Firefighting and Rescue under the Building (Planning) Regulation 41D.

[Open Meeting (Presentation and Question Sessions only)]

- (xii) A/YL-TYST/330 Proposed Temporary Parking of Vehicles (Medium Goods Vehicles) and Open Storage (Goods Compartments) for a Period of 3 Years in “Village Type Development” zone, Lot 200RP(Part) in DD 121, Fui Sha Wai, Tong Yan San Tsuen, Yuen Long (RNTPC Paper No. A/YL-TYST/330)
- 

Presentation and Question Session

- 71. Mr. Anthony C.Y. Lee, STP/TMYL, presented the application and covered the

following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed temporary parking of vehicles (medium goods vehicles) and open storage (goods compartments);
- (c) departmental comments – the Director of Environmental Protection did not support the application as there were sensitive receivers to the north-east and south-west of the site, and environmental nuisances was expected. The Assistant Commissioner for Transport/New Territories, Transport Department raised concern on the setting of an undesirable precedent which would induce cumulative adverse traffic impacts on the nearby road network. The Chief Town Planner/Urban Design and Landscape did not support the application from landscape planning point of view as the application was incompatible with the surrounding landscape character of the area and negative impact on the existing landscape quality of the “Village Type Development” (“V”) zone was anticipated. The Chief Engineer/Mainland North, Drainage Services Department commented that the proposed access to the site was an exclusive access of his office for maintenance of the drainage channel and was not opened to the public. The applicant was not allowed to use this access as an ingress/egress to the site;
- (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 did not support the application for reasons as detailed in paragraph 12.2 of the Paper. The proposed development was not in line with the planning intention of the “V” zone and the Town Planning Board (TPB) Guidelines No. 13D for Application for Open Storage and Port Back-up Uses as the site fell within Category 4 areas. There were no exceptional circumstances to merit

approval. No previous approval had been granted and the proposed development was not compatible with the nearby village houses. There were adverse departmental comments on the application. There was insufficient information in the submission to demonstrate that the proposed development would not generate adverse environmental, drainage and landscape impacts on the surrounding areas and the proposed vehicular access was unacceptable. Although there were workshops and open storage uses in the surrounding areas, some of them were suspected unauthorized developments subject to enforcement action by the Planning Authority, whilst some of them were 'existing uses' tolerated under the Town Planning Ordinance.

72. Members had no question on the application.

#### Deliberation Session

73. Members noted that the application was not in line with the planning intention of "V" zone and the TPB Guidelines No. 13D, and Government departments had objection to the application.

74. 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 "Village Type Development" zone which was to designate both existing recognized villages and areas of land considered suitable for village expansion. No strong justification had been given in the submission to justify for a departure from the planning intention, even on a temporary basis;
- (b) the proposed development did not comply with the Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses in that there were no exceptional circumstances to merit approval. Besides, there

was no previous approval granted at the site and the proposed development was not compatible with the nearby residential structures. There were adverse departmental comments on the application; and

- (c) there was insufficient information in the submission to demonstrate that a proper vehicular access would be provided to the application site, and that the proposed development would not generate adverse environmental, landscape, traffic and drainage impacts on the surrounding areas.

[The Chairperson 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.]

### **Sai Kung & Islands District**

[Mr. Lawrence Chau, Senior Town Planner/Sai Kung & Islands (DPO/SKIs), was invited to the meeting at this point.]

### **Agenda Item 5**

#### **Section 16 Applications**

[Open Meeting (Presentation and Question Sessions only)]

- (i) A/I-CC/2 House (Redevelopment) with Shop and Services on Ground Floor  
in "Village Type Development" zone,  
Lot 195D6(Part) in DD Cheung Chau  
and Adjoining Government Land, Cheung Chau  
(RNTPC Paper No. A/I-CC/2)
-

### Presentation and Question Session

75. Dr. James Lau declared an interest on this item as he had current business dealings with the consultant of the applicant Top Bright Consultants Ltd. However, as the applicant had requested the Committee to defer consideration of the application and discussion of and determination on this item was not necessary, he was allowed to stay in the meeting.

76. The Committee noted that the applicant requested for a deferment of the consideration of the application as the applicant would like to submit a revised layout and further technical information.

### Deliberation Session

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

[Open Meeting (Presentation and Question Sessions only)]

- (ii) A/I-MWF/13 Proposed Two New Territories Exempted Houses  
(NTEH) (Small Houses)  
in “Recreation” and “Village Type Development” zones,  
Lot 554 in DD 3, Mui Wo, Lantau Island  
(RNTPC Paper No. A/I-MWF/13)
-

## Presentation and Question Session

78. Mr. Lawrence Chau, STP/SKIs, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed two New Territories Exempted Houses (NTEH) (Small Houses);
- (c) departmental comments – the District Lands Officer/Islands, Lands Department considered the application unacceptable as the application site fell largely outside and the proposed Small Houses fell entirely outside the village ‘environs’ of the Luk Tei Tong Village and the “Village Type Development” (“V”) zone. The Director of Agriculture, Fisheries and Conservation considered the application undesirable from nature conservation point of view as the approval of the application would lead to further shrinkage of the wetland at Luk Tei Tong. The Assistant Commissioner for Transport/New Territories, Transport Department considered that NTEH development should be confined to the “V” zone and the approval of this application would set a precedent for similar applications in future, resulting in cumulative and substantial adverse traffic impact;
- (d) two public comments were received during the statutory publication period and another one was filed out of time. One commenter considered the application acceptable whilst the other had concerns over the adverse impacts on sewage disposal and surface water runoff. The commenter whose comment was filed out of time requested that his views be considered, but according to the provisions of the Town Planning Ordinance, the comment should be treated as not having been made; 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 application was not in line with the interim criteria for assessing planning applications for NTEH/Small House development in the New Territories since the proposed Small Houses fell entirely outside the “V” zone and the village ‘environs’ of Luk Tei Tong Village. Although there was insufficient land in the “V” zone to meet the Small House demand, land was still available and there was no information in the submission to demonstrate why land could not be obtained in the “V” zone for Small House development. The proposed development was also not in line with the planning intention of “Recreation” zone, and there was no strong justification for a departure from such planning intention. Approval of the application would set an undesirable precedent for similar applications within the “Recreation” zone.

79. Members had no question on the application.

#### Deliberation Session

80. Members noted that the application was not in line with the interim criteria for assessing planning applications for NTEH/Small House development in the New Territories.

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

- (a) the proposed development fell mainly within the “Recreation” (“REC”) zone and was not in line with the planning intention of the “Recreation” zone which was primarily for recreational developments for the use of the general public. There was no strong justification in the submission for a departure from such planning intention;
- (b) the proposed development did not comply with the “Interim Criteria for Consideration of Application for New Territories Exempted House/Small House in New Territories” in that the footprints of the proposed Small

Houses fell entirely outside both the “Village Type Development” zone and the village ‘environs’ of Luk Tei Tong Village;

- (c) Small House sites had already been reserved within the “Village Type Development” zone of Luk Tei Tong Village and there was insufficient information in the submission that land could not be obtained within the “Village Type Development” zone for Small House development; and
- (d) the approval of the application would set an undesirable precedent for similar applications within the “REC” zone. The cumulative effect of approving such applications would result in encroachment of the “REC” zone and would have adverse impacts on ecology and traffic condition of the area.

[The Chairperson thanked Mr. Lawrence Chau, STP/SKIs, for his attendance to answer Members’ enquiries. Mr. Chau left the meeting at this point.]

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

[Mr. W.K. Hui, District Planning Officer/Shu Tin, Tai Po and North (DPO/STN), and Mr. Philip Y.L. Chum, Senior Town Planner/Shu Tin, Tai Po and North (STP/STN), were invited to the meeting at this point.]

**Agenda Item 6**

**Section 16 Applications**

[Open Meeting (Presentation and Question Sessions only)]

- (i)           A/NE-FTA/77      Temporary Open Storage of Construction Materials and Equipment with Converted Containers for Ancillary Storage Uses for a Period of 3 Years in “Other Specified Uses” annotated “Port Backup Uses” zone, Lot 1193A(Part) in DD 52, Man Kam To Road, Fu Tei Au, Sheung Shui  
  
(RNTPC Paper No. A/NE-FTA/77)
- 

**Presentation and Question Session**

82.           Mr. Philip Y.L. Chum, STP/STN, presented the application and covered the following aspects as detailed in the Paper :

- (a)   background to the application;
- (b)   the proposed temporary open storage of construction materials and equipment with converted containers for ancillary storage uses;
- (c)   departmental comments – the Director of Environmental Protection (DEP) did not support the application as there were sensitive users in the vicinity of the site and the access road, and environmental nuisance was expected;
- (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 12.2 of the Paper in that the application was in line with the planning intention of “Other Specified

Uses” annotated “Port Back-up Uses” and the Town Planning Board (TPB) Guidelines No. 13D for Application for Open Storage and Port Back-up Uses as the site fell within Category 1 areas. Relevant Government department had no adverse comments, except DEP. DEP’s concern could be addressed by an approval condition restricting the operation hours and an advisory clause advising the applicant to follow the “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites”. Although previous approval had been revoked due to non-compliance with some planning conditions, shorter compliance periods could be imposed to monitor the implementation of the planning conditions.

83. Members had no question on the application.

#### Deliberation Session

84. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 1.9.2009, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) the operating hours of the application site should be restricted to 8:00a.m. to 8:00p.m., as proposed by the applicant, during the planning approval period;
- (b) free vehicular access at the access road leading to the application site should be provided for Water Supplies Department staff and his contractor to carry out inspection and maintenance at all times during the planning approval period;
- (c) the peripheral fencing and paving of the site should be maintained at all times during the planning approval period;
- (d) the provision of standard concrete paving of the earth track leading to the

application site within 3 months from the date of planning approval to the satisfaction of the Director of Water Supplies or of the TPB by 1.12.2006;

- (e) the submission of drainage proposals within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 1.12.2006;
- (f) in relation to (e) above, the provision of drainage facilities within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 1.3.2007;
- (g) the submission of improvement proposals for the access road leading to the application site within 3 months from the date of planning approval to the satisfaction of the Commissioner for Transport or of the TPB by 1.12.2006;
- (h) in relation to (g) above, the implementation of improvement proposals for the access road leading to the application site within 6 months from the date of planning approval to the satisfaction of the Commissioner for Transport or of the TPB by 1.3.2007;
- (i) the submission of landscaping and tree preservation proposals within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 1.12.2006;
- (j) in relation to (i) above, the implementation of landscaping and 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 1.3.2007;
- (k) the submission of proposals on fire service installations and fire fighting water supplies within 3 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 1.12.2006;

- (l) the provision of fire service installations and fire fighting water supplies within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 1.3.2007;
- (m) if any of the above planning conditions (a), (b) or (c) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (n) if any of the above planning conditions (d), (e), (f), (g), (h), (i), (j), (k) or (l) 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.

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

- (a) note that shorter compliance periods had been imposed so as to closely monitor the development and implementation of planning conditions;
- (b) resolve any land issues to the development with the concerned owner(s) of the application site;
- (c) note that Emergency Vehicular Access (EVA) arrangement should comply with Part VI of the Code of Practice for Means of Access for Firefighting and Rescue administered by Buildings Department. The applicant should be reminded to demonstrate the access to the site under Building (Planning) Regulation B(P)R 5 and to submit EVA plan at building plan submission stage under Practice Note for Authorized Persons and Registered Structural Engineers (PNAP) 288;
- (d) note the use of containers as storage was considered as temporary building and was subject to control under B(P)R Part VII. Formal submission of any proposed new works including any temporary buildings for approval

under the Buildings Ordinance 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

- (e) follow the environmental mitigation measures as recommended in the “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Environmental Protection Department in order to minimize the potential environmental impacts on the adjacent area.

[Open Meeting (Presentation and Question Sessions only)]

- (ii) A/NE-LYT/338 Temporary Open Storage of Vehicles, Vehicle Parts and Metals with Ancillary Structures for a Period of 3 Years in “Residential (Group C)” and “Agriculture” zones, Lots 1036RP(Part), 1037RP(Part), 1038(Part), 1039(Part), 1050(Part), 1051(Part) in DD 83 and Adjoining Government Land, Sha Tau Kok Road, Fanling  
(RNTPC Paper No. A/NE-LYT/338)
- 

#### Presentation and Question Session

86. Mr. Philip Y.L. Chum, STP/STN, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed temporary open storage of vehicles, vehicle parts and metals with ancillary structures;

- (c) departmental comments – the District Lands Officer/North (DLO/N) had reservation on the application as the site would be affected by a public project, namely ‘PWP Item No. 4119CD (PART) Drainage Improvement in Northern New Territories, Package C (Phase 1) - Drainage Improvement Works at Lung Yeuk Tau, Kwan Tei, Tan Chuk Hang Lo Wai and Leng Tsai, Fanling, New Territories’. The resumption notice would be gazetted in December 2006 and the affected land would be reverted to the Government in March 2007. The Chief Engineer/Mainland North, Drainage Services Department objected to the application as it would be in conflict with the proposed channel LYT01 in the said drainage improvement project which was scheduled for construction in mid 2007. The Director of Environmental Protection (DEP) did not support the application as there were existing domestic structures in the vicinity of the site and environmental nuisance was expected;
- (d) one public comment was received during the statutory publication period requesting the Government departments concerned to monitor the traffic, environmental and drainage conditions in the area and the impacts on the local residents; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to approving the application for a period of 6 months for reasons as detailed in paragraph 12.2 of the Paper. The application site was partly used for open storage purpose prior to gazetting of the relevant Interim Development Permission Area Plan in August 1990, and the subject of 6 previous planning approvals since 1998. All the relevant approval conditions under the previous applications had been complied with. Sympathetic consideration could be given to allow the applicant to continue the present uses on site until the site was required to be handed over to DLO/N for the drainage improvement project in March 2007. DEP’s and the local concerns could be addressed by the mitigation measures adopted by the applicant and the approval conditions recommended.

87. Members had no question on the application.

Deliberation Session

88. Members agreed that the application could be tolerated for a period of 6 months until the time when the land affected by the drainage improvement project was required by the Government.

89. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 6 months until 1.3.2007, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no operation between 9p.m. to 8a.m. was allowed on the application site during the approval period;
- (b) the stacking height of the materials stored within 5 metres of the periphery of the application site should not exceed the height of the boundary fence at any time during the approval period;
- (c) the existing drains within and adjacent to the application site should be maintained at all times during the planning approval period;
- (d) the submission of a landscaping and tree preservation proposals within 1 month from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 1.10.2006;
- (e) in relation to (d) above, the implementation of the landscaping and tree preservation proposals within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 1.12.2006;
- (f) if any of the above planning conditions (a), (b) or (c) was not complied with during the approval period, the approval hereby given should cease to

have effect and should be revoked immediately without further notice;

- (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 on the same date be revoked without further notice; and
- (h) upon the expiry of the planning permission, the reinstatement of the application site (except the area to be resumed for Government project) to an amenity area to the satisfaction of the Director of Planning or of the TPB.

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

- (a) note that a shorter approval period of 6 months was granted so as not to frustrate the implementation of the drainage improvement project;
- (b) follow the environmental mitigation measures as recommended in the “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Environmental Protection Department to minimize any possible environmental nuisance; and
- (c) apply to District Lands Officer/ North, Lands Department for a Short Term Waiver and a Short Term Tenancy for regularization of the structures erected on the site and the occupation of Government land respectively.

[Mr. B.W. Chan left the meeting and Mr. Y.K. Cheng left the meeting temporarily at this point.]

[Open Meeting (Presentation and Question Sessions only)]

- (iii) A/NE-LT/362 Proposed House  
(New Territories Exempted House) (NTEH) (Small House)  
in “Agriculture” zone,  
Lot 807B in DD 10, Chai Kek Village, Lam Tsuen, Tai Po  
(RNTPC Paper No. A/NE-LT/362)
- 

Presentation and Question Session

91. Mr. Philip Y.L. Chum, STP/STN, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed House (New Territories Exempted House)(NTEH)(Small House);
- (c) departmental comments – the Director of Environmental Protection and the Chief Engineer/Development (2), Water Supplies Department did not support or objected to the application as the site fell within the Water Gathering Ground (WGG) and was not served by existing or planned sewerage system. The Director of Agriculture, Fisheries and Conservation (DAFC) did not favour the application from agricultural development point of view as the site had high potential for agricultural rehabilitation;
- (d) two public comments were received during the statutory publication period but one of them was withdrawn subsequently. The remaining commenter objected to the application as the proposed development would adversely affect the view of his property and the psychological well-being and health of his family; 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 application was not in line with the planning intention of “Agriculture” zone and DAFC did not favour the application; the development did not comply with the interim criteria for assessing planning application for NTEH/Small House development as it fell within the WGG and was not able to connect to existing or planned sewerage system.

92. In response to a Member’s enquiry why the village ‘environs’ (‘VE’) drawn up by Lands Department covered this application site despite being within the WGG, the Chairperson advised that ‘VE’ drawn up by Lands Department which covered the area within 300 feet measuring from the last Small House built in 1972 under the Small House Policy. Mr. Francis Ng added that the Lands Department had no objection to the application as stated in paragraph 7.2 of the Paper.

#### Deliberation Session

93. Members noted that the application site fell within the WGG and could not be connected to public sewer. The application was therefore not in line with the interim criteria for assessing planning application for NTEH/Small House development.

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

- (a) the application was not in line with the planning intention of the “Agriculture” zone, which was primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. It was also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. No strong justifications had been provided in the submission for a departure from the planning intention; and
- (b) the proposed development did not comply with the interim criteria for assessing planning application for NTEH/Small House development in that



- (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 application was not in line with the planning intention of “Green Belt” zone and did not comply with the interim criteria for assessing planning application for NTEH/Small House development as it fell entirely outside the ‘VE’ and “V” zone. Although land within the “V” zone was insufficient to meet the Small House demand, land currently available within “V” zone should be developed first. The approval of the application would set an undesirable precedent for other similar applications within the “GB” zone.

96. Members had no question on the application.

#### Deliberation Session

97. Members noted that the application was not in line with the interim criteria for assessing planning application for NTEH/Small House development as it fell outside the ‘VE’ and “V” zone.

98. 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 as well as to provide passive recreational outlets. There was a general presumption against development in “GB” zone and no strong justification had been provided in the submission for a departure from the planning intention;
- (b) the proposed development was not in line with the assessment criteria for NTEH/Small House development as the proposed NTEH/Small House was

located totally outside both the village ‘environs’ and the “Village Type Development” zone. NTEHs should be confined to or close to the village proper in order to ensure orderly development and provision of facilities; and

- (c) the approval of the application would set an undesirable precedent for similar developments within the “GB” zone. The cumulative effect of approving such applications would result in a general degradation to the environment of the area.

[Open Meeting (Presentation and Question Sessions only)]

- (v) A/ST/639 Proposed House (Redevelopment)  
in “Green Belt” zone,  
Lot 57 and Extension in DD 175, Hung Kiu Lane,  
Kau To, Sha Tin  
(RNTPC Paper No. A/ST/639)
- 

#### Presentation and Question Session

99. The Committee noted that the applicant requested for a deferment of the consideration of the application as more time was needed to address the comments of concerned Government departments.

#### Deliberation Session

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

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

[Open Meeting (Presentation and Question Sessions only)]

- (vi)           A/ST/640                   Shop and Services (Retail Shop)  
  in “Industrial” zone,  
  Portion of Unit E, G/F, Universal Industrial Centre,  
  19-25 Shan Mei Street, Fo Tan, Sha Tin  
  (RNTPC Paper No. A/ST/640)
- 

#### Presentation and Question Session

101.           Mr. Philip Y.L. Chum, STP/STN, presented the application and covered the following aspects as detailed in the Paper :

- (a)   background to the application;
- (b)   the proposed shop and services (retail shop) use;
- (c)   departmental comments – no objection 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.

102.           Members had no question on the application.

#### Deliberation Session

103.           After deliberation, the Committee decided to approve the application, on the



departments was received;

- (d) one public comment was received during the statutory publication period supporting the application; 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.

### Deliberation Session

106. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 5 years until 1.9.2011, on the terms of the application as submitted to the Town Planning Board.

### **Agenda Item 7**

#### Section 16A Application

[Open Meeting (Presentation and Question Sessions only)]

A/MOS/61-2            Application for Class B Amendments to Permission in  
the Current Revised Scheme  
in “Comprehensive Development Area (1)” zone,  
Various Lots in DD 206 and Adjoining Government Land,  
Area near Lok Wo Sha, Ma On Shan  
(RNTPC Paper No. A/MOS/61-2)

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#### Presentation and Question Session

107. The Committee noted that the applicant requested for a deferment of the consideration of the application to allow more time for preparation and submission of further information to address the concerns of the Transport Department.

### Deliberation Session

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

[The Chairperson thanked Mr. W.K. Hui, DPO/STN, and Mr. Philip Y.L. Chum, STP/STN, for their attendance to answer Members' enquiries. Messrs. Hui and Chum left the meeting at this point.]

### **Agenda Item 8**

#### Any Other Business

109. There being no other business, the meeting was closed at 5:35pm.