

TOWN PLANNING BOARD

Minutes of 346th Meeting of the Rural and New Town Planning Committee held at 2:30 p.m. on 23.3.2007

Present

Director of Planning
Mrs. Ava S.Y. Ng

Chairperson

Mr. Michael K.C. Lai

Vice-chairman

Ms. Carmen K.M. Chan

Professor Nora F.Y. Tam

Mr. David W.M. Chan

Mr. Tony C.N. Kan

Dr. C.N. Ng

Mr. B.W. Chan

Mr. Y.K. Cheng

Ms. Anna S.Y. Kwong

Dr. James C.W. Lau

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

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

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

Secretary

Absent with Apologies

Professor Peter R. Hills

Dr. Lily Chiang

Professor David Dudgeon

Mr. Edmund K.H. Leung

Mr. Alfred Donald Yap

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

Chief Engineer/Traffic Engineering (New Territories East),
Transport Department
Mr. H.L. Cheng

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 345th RNTPC Meeting held on 9.3.2007

[Open Meeting]

1. The draft minutes of the 345th RNTPC meeting held on 9.3.2007 were confirmed without amendments.

Agenda Item 2

Matters Arising

[Open Meeting]

(a) Abandonment of Town Planning Appeal

Town Planning Appeal No. 11 of 2006 (11/06)
Temporary Wholesale Trade Use for a Period of 3 Years
in “Other Specified Uses” annotated “Business” zone,
Units G and H, 6/F, Yip Fat Factory Building, Phase 2,
75 Hoi Yuen Road, Kwun Tong
(Application No. A/K14/473)

2. The Secretary reported that the subject appeal was received by the Town Planning Appeal Board (TPAB) on 21.6.2006 against the decision of the Town Planning Board to reject on review an application (No. A/K14/473) for temporary wholesale trade use for a period of 3 years at a site zoned “Other Specified Uses” annotated “Business” zone on the Kwun Tong South Outline Zoning Plan (OZP). On 13.3.2007, the subject appeal was abandoned by the appellant of his own accord. On 20.3.2007, the TPAB formally confirmed that the appeal was abandoned in accordance with Regulation 7(1) of the Town Planning (Appeals) Regulations.

(b) Appeal Statistics

3. As at 23.3.2007, 24 cases are yet to be heard by the TPAB. Details of the appeal statistics are as follows :

Allowed	:	17
Dismissed	:	95
Abandoned/Withdrawn/Invalid	:	121
Yet to be Heard	:	24
Decision Outstanding	:	5
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Total	:	262

[Ms. Carmen K.M. Chan and Mr. Elvis W.K. Au arrived to join the meeting at this point.]

General

[Mr. Wilson Y.L. So, District Planning Officer/Tuen Mun and Yuen Long (DPO/TMYL), Mr. Michael C.F. Chan, District Planning Officer/Sai Kung and Islands (DPO/SKIs), Mr. W.K. Hui, District Planning Officer/Shau Tin, Tai Po and North (DPO/STN), Ms. Heidi Y.M. Chan, District Planning Officer/Tsuen Wan and West Kowloon (DPO/TWK), and Mr. Tom C.K. Yip, Senior Town Planner/Urban Renewal (STP/UR), were invited to the meeting at this point.]

Agenda Item 3

[Open Meeting (whole agenda item)]

Review of Sites Designated “Comprehensive Development Area”(“CDA”)
on Statutory Plans in the New Territories for the Year 2006/2007
(RNTPC Paper No. 1/07)

4. Mr. Tom C.K. Yip, STP/UR, said that the Board agreed in May 1999 to conduct annual review of “Comprehensive Development Area” (“CDA”) sites designated for more than 3 years. The review would assist the Committee in considering the rezoning of suitable sites to other appropriate zonings, and monitoring the progress of developments. The Paper was to brief Members on the results of the latest review. He then presented the review as detailed in the Paper highlighting the following :

- (a) there were 64 “CDA” sites in the New Territories, including 3 which had been designated for less than 3 years. Of the 61 sites which had been designated for more than 3 years and covered by the review, 23 of them had no approved Master Layout Plan (MLP).

“CDA” Sites with No Approved MLP

- (b) of the 23 “CDA” sites with no approved MLP, 19 of them were proposed for retention mainly because they were either programmed for land disposal, under planning studies/reviews, recorded with some progress in implementation, or with outstanding concerns such as traffic, environmental and visual impacts that needed to be addressed. Detailed justifications for their retention were provided in Appendix I of the Paper;
- (c) the remaining 4 “CDA” sites (NTW 10 to 13) were previously agreed to be rezoned by the Committee. However, the rezoning was held back due to the proposed Easterly Link Road (ELR) of Deep Bay Link which might traverse the “CDA” sites. The alignment options of the ELR were being studied by the Highways Department. Details of these sites were provided in Appendix II of the Paper;

“CDA” Sites with Approved MLP

- (d) of the 38 sites with approved MLPs, 33 were proposed for retention. Detailed justifications for their retention were provided in Appendix III of the Paper;
- (e) 3 other sites had previously been agreed by the Committee for rezoning. As the proposed amendments for 2 of them (NTW 20 and YL-A1) were technical in nature and there was no immediate urgency for the rezoning, the proposed amendments could be gazetted together with other amendments to be made to the Yuen Long Outline Zoning Plan (OZP) in due course. For the remaining site (NTW 32B), the proposed zoning would be reviewed to reflect the completed development. Details of the

progress of these sites were provided in Appendix IV;

- (f) the remaining 2 sites were considered to have potential for rezoning. The “CDA” site at the junction of Fuk Hang Tsuen Road and Lam Tei Main Street, Tuen Mun (NTW 29) was at an advanced stage of development and was suitable for rezoning subject to full compliance with all approval conditions. Another site to the north-east of Lingnan University Main Campus at Fu Tei, Tuen Mun (NTW 32A) covered two phases. The residential development in Phase I on TMTL 399 had been completed and was suitable for rezoning. However, the land exchange application for Phase II was yet to be submitted and the “CDA” zoning should be retained pending the full completion of the whole development.

5. A Member enquired if the Ha Tsuen Rural Committee had been consulted on the proposed rezoning for the 4 “CDA” sites (NTW 10) in Ha Tsuen since the Committee’s agreement to the rezoning in 2002. The same Member also asked about the responses in the 11 replies from the developers mentioned in paragraph 4.2.6 of the Paper.

6. In response, Mr. Wilson Y.L. So, DPO/TMYL, advised that the 4 sites in Ha Tsuen were still zoned “CDA” as the alignment options for the ELR were being studied by the Highways Department. No consultation had been conducted at this early stage. The Chairperson added that the consultation could take place when the proposed amendments to the Ha Tsuen OZP were firmed up.

7. Mr. Tom C.K. Yip, STP/UR, advised that the 11 replies to the questionnaire mentioned in paragraph 4.2.6 were from developers responsible for the respective “CDA” sites. The said questionnaire mainly solicited their views on the progress of implementation of the “CDA” sites and whether there were any difficulties encountered in complying with the approval conditions.

8. Another Member referred to Site No. NTW 39 shown in Plan 32 and raised concern on the wetlands within and adjoining the site. With the proposed Northern Link traversing the site, and the division by the Fishery Research Station in the central part, the feasibility of implementing the “CDA” site was doubted. Noting that it would be very

difficult to address the adverse ecological impact on the wetlands and that the planning permission for the site would expire on 5.10.2007, this Member said that there might be a need to review the “CDA” zoning of the site.

9. Mr. Wilson Y.L. So, DPO/TMYL, replied that planning permission for a comprehensive residential development with commercial, government, institution or community and open space facilities on the site was first granted in 1998 when the site was under the “Undetermined” (“U”) zoning. The site was subsequently rezoned to “CDA” in 1999 with a view to providing better planning control. Planning application No. A/YL-KTN/118 was approved by the Committee in 2001 and the planning permission was extended to 5.10.2007. There was another application submitted in December 2006, which proposed to extend the approved scheme eastward onto the adjacent “U” zone, and consideration of the application was deferred upon the request of the applicant. The applicant would need to address the concern on the ecological impact on the wetlands in that application and Members could consider the matter at that stage.

10. The Chairperson said that the purpose of this exercise was to update the progress on implementation of the “CDA” sites and to examine ways to facilitate the implementation. For sites without any approved MLP, consideration would be given to the need for reviewing the zoning boundary or for rezoning. For sites with approved MLPs, including the subject site under discussion, the focus was more on the progress of implementation.

11. In response to the same Member’s question on whether the planning permission would be extended indefinitely, the Secretary explained that an application for extension of time for commencement of development would be assessed based on the criteria laid down in the Town Planning Board Guidelines No. 35A on Extension of Time for Commencement of Development. These included the justifications given by the applicant; whether there had been any material change in planning circumstances; whether there were any adverse planning implications; whether the delay in commencement was due to some technical/practical problems beyond the applicant’s control; and whether the applicant had demonstrated that reasonable actions had been taken on implementation of the development and compliance with approval conditions. The need for reviewing the zoning of the subject “CDA” site might be considered when the applicant applied for a further extension of time for commencement of development. However, if the proposed development commenced

before 5.10.2007, for example by obtaining general building plan approval, no further application for extension would be required.

Deliberation Session

12. After deliberation, the Committee decided to :
- (a) note the findings of the review of the sites designated “CDA” on statutory plans in the New Territories;
 - (b) note the previous agreement of the Committee to rezone the sites mentioned in paragraphs 4.1.2 and 4.2.3 and detailed in Appendices II and IV of the Paper; and
 - (c) agree to the retention of the “CDA” designation for the sites mentioned in paragraphs 4.1.1 and 4.2.2 and detailed in Appendices I and III of the Paper.

[The Chairperson thanked Mr. Wilson Y.L. So, DPO/TMYL, Mr. Michael C.F. Chan, DPO/SKIs, Mr. W.K. Hui, DPO/STN, Ms. Heidi Y.M. Chan, DPO/TWK, and Mr. Tom C.K. Yip, STP/UR, for their attendance to answer Members’ enquiries. They left the meeting at this point.]

Sha Tin, Tai Po and North District

[Mr. W.K. Hui, District Planning Officer/Shan Tin, Tai Po and North (DPO/STN), and Ms. Stephanie P.H. Lai, Senior Town Planner/Shan Tin, Tai Po and North (STP/STN), were invited to the meeting at this point.]

Agenda Item 4

Section 16 Applications

[Open Meeting (Presentation and Question Sessions Only)]

- (i) A/FSS/168 Proposed Dangerous Goods Godown
(Storage of Refrigerant) in “Industrial” zone,
Workshop A, G/F, Dormind Industrial Building,
13 Yip Fung Street (Lot 5346 in DD 51),
On Lok Tsuen, Fanling
(RNTPC Paper No. A/FSS/168)
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Presentation and Question Sessions

13. Ms. Stephanie P.H. Lai, STP/STN, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed dangerous goods godown (storage of refrigerant);
- (c) departmental comments – no objection or no adverse comment from concerned Government departments was received;
- (d) four public comments objecting on grounds of safety, obstruction due to loading/unloading of the dangerous goods, and lowering of property/value were received during the statutory publication period. Four local objections were also received by the District Officer; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application for reasons as detailed in paragraph 10.1 of the Paper. The proposed dangerous goods godown was small in scale and located on the ground floor of the industrial building. It was not incompatible with the surrounding industrial uses and would not generate significant adverse impacts. Concerned Government departments had no objection to or no adverse comment on the application. The safety concern could be addressed by imposing a condition on the provision of fire service installations. On the loading/unloading aspect, the application site was on

the ground floor of the industrial building and the loading/unloading bays on the ground floor would be used.

14. Members had no question on the application.

Deliberation Session

15. Members agreed that the proposed use was compatible with the surrounding industrial uses.

16. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 23.3.2011, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

- (a) the provision of fire service installations to the Director of Fire Services or of the TPB; and
- (b) the provision of environmental mitigation measures to the satisfaction of the Director of Environmental Protection or of the TPB.

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

- (a) to note the comments from the District Lands Officer/North, Lands Department that the proposal involved some alteration and addition (A & A) works and the applicant should submit the proposed A & A works to his office for approval under lease;
- (b) to note the comments from the Director of Electrical and Mechanical Services that if the refrigerants to be stored contained liquefied petroleum gases (e.g. R290, R600a or R600), prior approval on the cylinder types and their storage should be sought from Gas Standards Office of Electrical and Mechanical Services Department by virtue of Gas Safety Ordinance

(Chapter 51);

- (c) to note the comments from the Director of Fire Services that :
- (i) any intended storage or use of dangerous goods as defined in the Dangerous Goods Ordinance (Chapter 295) should be notified to the Director of Fire Services through formal application to the Dangerous Goods Division of the Fire Services Department;
 - (ii) only non-flammable Category 2 dangerous goods were allowed to be stored in the proposed dangerous goods store, otherwise major fire service installations were required; and
 - (iii) the dangerous goods store should be adequately ventilated to open air in such a manner as to maintain 20 air changes per hour at all times. Otherwise, mechanical ventilation should be provided.
- (d) to note the comments from the Chief Building Surveyor/New Territories West, Buildings Department that the proposal should comply with the Buildings Ordinance and the allied regulations; and
- (e) to note the comments from the Chief Engineer/Development(2) of Water Supplies Department that the application site was located within the flood pumping catchment area associated with River Indus and River Ganges pumping stations.

[Open Meeting (Presentation and Question Sessions Only)]

- (ii) A/MOS/69 Proposed Religious Institution (Church)
in "Residential (Group A)" zone,
Unit 1, G/F, The Waterside,
15 On Chun Street, Ma On Shan
(RNTPC Paper No. A/MOS/69)
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Presentation and Question Sessions

18. Ms. Stephanie P.H. Lai, STP/STN, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed religious institution (church);
- (c) departmental comments – no objection or no adverse comment from concerned Government departments was received;
- (d) three public comments were received during the statutory publication period with one having no comment and two objecting for reasons that the shopping spaces should be reserved for retail and food & beverage shops, and the proposed religious institution would cause disturbance to the residents; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application for reasons as detailed in paragraph 10.1 of the Paper. The proposed church in the purpose-built non-domestic portion of the development was compatible with the other shops and services on the same floor and would not cause nuisance to the residents. It would not generate adverse traffic and environmental impacts. Concerned Government departments had no objection or no adverse comment. Moreover, vacant premises were still available within the commercial portion of the development for retail and eating place uses.

19. Members had no question on the application.

Deliberation Session

20. Members considered that the proposed religious institution in the non-domestic portion of the development would unlikely cause nuisance to the residents.

21. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 23.3.2011, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the condition that the provision of fire service installations to the satisfaction of the Director of Fire Services or of the TPB.

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

- (a) apply to the District Lands Officer/Shu Tin, Lands Department for a temporary waiver to permit the applied use; and
- (b) observe the requirements of the Buildings Ordinance concerning the provision of sanitary fitments for the participants of the church and the separation of the church area from the remaining areas of the arcade by walls and floor having a fire resistance period of not less than 2 hours.

[Open Meeting (Presentation and Question Sessions Only)]

- (iii) A/NE-KTS/246 Temporary Storage of Antique Cars and Household Items for a Period of 3 Years in "Green Belt" zone, Lot 3336 in DD 91 and Adjoining Government Land, Lin Tong Mei, Kwu Tung South, Sheung Shui
(RNTPC Paper No. A/NE-KTS/246)
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Presentation and Question Sessions

23. Ms. Stephanie P.H. Lai, STP/STN, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;

- (b) the temporary storage of antique cars and household items for a period of 3 years;
- (c) departmental comments – no objection or no adverse comment from concerned Government departments was received;
- (d) no public comment was received during the statutory publication period and no local objection/view was received by the District Officer; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application for reasons as detailed in paragraph 11.1 of the Paper.

24. Members had no question on the application.

Deliberation Session

25. Members noted that there were 3 previous approvals and the applicant had complied with all the planning conditions.

26. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years up to 23.3.2010, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) the submission of a conditional record of the existing drainage facilities as implemented under the previous planning approval (No. A/NE-KTS/180) within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 23.6.2007;
- (b) the existing drainage facilities on the application site should be maintained at all times during the planning approval period;
- (c) the submission of tree preservation and landscape proposals within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 23.9.2007;

- (d) in relation to (c) above, the implementation of tree preservation and landscape proposals within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 23.12.2007;
- (e) if the above planning condition (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; and
- (f) if any of the above planning conditions (a), (c) or (d) was not complied with by the specified date, the approval hereby given should cease to have effect and should be revoked without further notice.

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

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

- (a) to apply to the District Lands Officer/North, Lands Department for a Short Term Wavier for the site;
- (b) to note the comments from the Chief Engineer/Development(2), Water Supplies Department that the application site was located within the flood pumping catchment area associated with the River Indus and River Ganges pumping stations; and
- (c) to note the comments from the Chief Building Surveyor/New Territories West, Buildings Department that the granting of the planning approval should not be construed as condoning any structures existing on the site under the Buildings Ordinance and the allied regulations. Actions appropriate under the Buildings Ordinance or other enactment might be taken if contravention was found.

[Open Meeting (Presentation and Question Sessions Only)]

- (iv) A/NE-KTS/247 Proposed Temporary Swimming Pool for a House for a Period of 3 Years in “Village Type Development” zone, Lots 1304RP and 2598 in DD 92, Kam Tsin, Kwu Tung South, Sheung Shui (RNTPC Paper No. A/NE-KTS/247)
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Presentation and Question Sessions

29. Ms. Stephanie P.H. Lai, STP/STN, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed temporary swimming pool;
- (c) departmental comments – no objection or no adverse comment from concerned Government departments was received;
- (d) no public comment was received during the statutory publication period and no local objection/view was received by the District Officer; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application for reasons as detailed in paragraph 10.1 of the Paper.

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

30. Members had no question on the application.

Deliberation Session

31. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years up to 23.3.2010, on the terms of the application as

submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) the submission of drainage proposals, including proposal to deal with discharge from the swimming pool, within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 23.9.2007;
- (b) in relation to (a) above, the implementation of drainage proposals, including proposal to deal with discharge from the swimming pool, within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 23.12.2007;
- (c) the submission of fire service installations proposals within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 23.9.2007; and
- (d) in relation to (c) above, the implementation of 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 23.12.2007;
- (e) the submission of a tree preservation scheme and a landscape proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 23.9.2007;
- (f) in relation to (e) above, the implementation of a tree preservation scheme and a landscape proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 23.12.2007; and
- (g) if any of the above planning conditions (a), (b), (c), (d), (e) or (f) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice.

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

- (a) to note the comments from the District Lands Officer/North, Lands Department that the applicant was required to apply for approval under lease to make way for the development of the swimming pool. However, there was no guarantee that such approval would be forthcoming and each case would be considered under the prevailing policy of the Lands Department;
- (b) to note the comments from the Chief Engineer/Development (2), Water Supplies Department (WSD) that :
 - (i) for provision of water supply to the development, the applicant might need to extend his/her inside services to the nearest suitable Government water mains for connection. The applicant should resolve any land matter (such as private lots) associated with the provision of water supply and should be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD's standards;
 - (ii) water mains in the vicinity of the application site could not provide the standard firefighting flow; and
 - (iii) the application site was located within the flood pumping catchment area associated with River Indus and River Ganges pumping stations; and
- (c) to note the comments from the Chief Building Surveyor/New Territories West, Buildings Department that :
 - (i) the development intensity of the application site was to be determined under Building (Planning) Regulation 19(3) at building plan submission stage, as the application site did not abut on a street of not less than 4.5m wide; and

- (ii) the emergency vehicular access for the house and plant room should comply with Building (Planning) Regulation 41D.

[Open Meeting (Presentation and Question Sessions Only)]

- (v) A/NE-KLH/358 Proposed 4 Houses (New Territories Exempted Houses) (NTEHs) (Small Houses) in “Village Type Development” and “Agriculture” zones, Lots 263D6, 263D9, 263D12 and 263D13 in DD 9, Kau Lung Hang Village, Tai Po (RNTPC Paper No. A/NE-KLH/358)
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Presentation and Question Sessions

33. Ms. Stephanie P.H. Lai, STP/STN, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed 4 Houses (NTEHs) (Small Houses);
- (c) departmental comments – the Director of Agriculture, Fisheries and Conservation (DAFC) did not favour the application as the site had high potential for agricultural rehabilitation. The Chief Engineer/Development (2), Water Supplies Department (CE/Dev(2), WSD) and the Director of Environmental Protection (DEP) did not support the proposed houses in Lots 263D6 and 263D13 because these two Small Houses fell within the Water Gathering Ground (WGG) but were unable to be connected to public sewers;
- (d) no public comment was received during the statutory publication period and no local objection/view was received by the District Officer; and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the proposed Small Houses in Lots 263D9 and 263D12 (Small Houses No. 2 and 3) but did not support the proposed Small Houses in Lots 263D6 and 263D13 (Small Houses No. 1 and 4) for reasons as detailed in paragraph 11.1 of the Paper. The proposed Small Houses No. 2 and 3 complied with the interim criteria for assessing planning application for NTEH/Small House development (the interim criteria) as these two Small Houses could be connected to the planned sewerage system in the area. Although DAFC did not favour the application, all other concerned Government departments had no objection. However, the proposed Small Houses No. 1 and 4 did not comply with the interim criteria as these two Small Houses were unable to be connected to existing or planned sewerage system in the area. DEP and CE/Dev(2), WSD did not support these two proposed Small Houses. Approval of the latter two houses would set undesirable precedents for other similar applications in the area.

[Ms. Anna S.Y. Kwong arrived to join the meeting at this point.]

- 34. Members had the following questions and comments on the application :
 - (a) the reason why Small Houses No. 2 and 3 could be connected to planned sewers whilst the adjoining Small Houses No. 1 and 4 could not be, noting that they were so close to each other;
 - (b) it might be feasible to connect the private sewers for Small Houses No. 1 and 4 to those for Small Houses No. 2 and 3, thereby allowing all four houses to be connected to planned public sewers within the “Village Type Development” (“V”) zone and meeting the interim criteria; and
 - (c) whether the applicants had been advised of such possible method mentioned in paragraph (b) above.
- 35. Mr. W.K. Hui had the following responses :

- (a) the planned public sewers were located within the “V” zone, and Small Houses located outside “V” zone could not be connected to the public sewers if their proposed septic tanks were not located within the “V” zone. According to the interim criteria and the inter-departmental agreement between Environmental Protection Department (EPD), WSD, Lands Department and PlanD, sympathetic consideration would only be given to proposed Small Houses located inside or partially inside “V” zone as they could be connected to the planned public sewers;
- (b) it might be possible to propose connection of the private sewers from Small Houses No. 1 and 4 to those for Small Houses No. 2 and 3 thereby allowing all four houses to be connected to planned public sewers and meeting the interim criteria. However, a Deed of Grant of Easement has to be signed between the concerned lot owners; and
- (c) the applicants had not been advised of such method as it would be up to the applicants to initiate and to obtain agreement of the adjoining lot owners. Some other applicants had adopted this approach and their applications had been approved. It should be noted that EPD and WSD did not support such private agreement for connection of sewers traversing another lot to those inside the “V” zone due to potential maintenance and management problem. The approval of similar applications outside the “V” zone might lead to expansion of the village type development without limit and the capacity of the public sewers would not be able to sustain.

Deliberation Session

36. Mr. Elvis W.K. Au advised that Small Houses No. 1 and 4 were not supported as they fell within the WGG and could not be connected to the planned public sewers. Water quality in the WGG should be safeguarded against pollution. The possible private agreement with the adjoining lot owners for connection to the planned public sewers would lead to serious maintenance and management problems. Besides, the capacity of the public sewers was planned based on the size of the “V” zone. It would not be able to sustain approval of such similar applications.

37. The Secretary advised that the Town Planning Board and the PlanD had already taken on board the decisions of the Town Planning Appeal Board to allow two similar applications in Lam Tsuen outside the “V” zone. If the applicants for Small Houses No. 1 and 4 could provide a Deed of Grant of Easement for connection of sewers through the adjoining lots to the planned public sewers in the “V” zone, their applications might be considered as being able to meet the interim criteria. However, such legal document had not been submitted by the applicants.

38. Members agreed that it was up to the applicants to come up with a feasible solution for connection to the planned public sewers and submit the proposal to the Committee for consideration. The limited capacity of the planned sewerage was noted, and there would be a limit to the number of Small Houses that could be served by the system. However, for sites located very close to the “V” zone, it would be feasible to connect the private sewers to the planned public sewers.

39. After deliberation, the Committee decided to approve the application for the proposed Small Houses No. 2 and 3, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 23.3.2011, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

- (a) the submission and implementation of landscaping proposals to the satisfaction of the Director of Planning or of the TPB;
- (b) the submission and implementation of drainage proposals to the satisfaction of the Director of Drainage Services or of the TPB;
- (c) the provision of firefighting access, water supplies for firefighting and fire service installations to the satisfaction of the Director of Fire Services or of the TPB;
- (d) the connection of the foul water drainage system to public sewers to the satisfaction of the Director of Water Supplies or of the TPB; and

- (e) the provision of protective measures to ensure no siltation occurred or no pollution to the water gathering grounds to the satisfaction of the Director of Water Supplies or of the TPB.

40. The Committee also agreed to advise the applicants for the proposed Small Houses No. 2 and 3 of the following :

- (a) the actual construction of the proposed Small Houses should only begin after the completion of the public sewerage network;
- (b) adequate space should be provided for the proposed Small Houses to be connected to the public sewerage network;
- (c) the site fell within a flood plain. Prior to the completion of the drainage improvement works, it might be subject to overland flow and inundation during heavy rainstorms;
- (d) an existing 100mm diameter fresh water main would be affected by the proposed development on Lot 263D9. The applicant should bear the cost of any necessary diversion works affected by the proposed development;
- (e) water mains in the vicinity of the application site could not provide the standard firefighting flow; and
- (f) to note that the permission was only given to the development under application. If provision of an access road was required for the proposed development, the applicant should ensure that such access road (including any necessary filling/excavation of land) complied with the provisions of the relevant statutory plan and obtain planning permission from the TPB where required before carrying out the road works.

41. After deliberation, the Committee decided to reject the application for the proposed Small Houses No. 1 and 4 and the reasons were :

- (a) Small Houses No. 1 and 4 did not comply with the interim criteria for assessing planning application for NTEH/Small House development in that the proposed NTEH/Small House development fell within Water Supplies Department's upper indirect water gathering ground (WGG) and were not able to be connected to existing or planned sewerage system in the area. There was insufficient information in the submission to demonstrate that the proposed development located within the WGG would not cause adverse impact on the water quality in the area; and
- (b) approval of the proposed Small Houses No. 1 and 4 would set an undesirable precedent for other similar applications in the area.

[Open Meeting (Presentation and Question Sessions Only)]

- (vi) A/NE-KLH/360 Proposed House (New Territories Exempted House)
(NTEH) (Small House)
in "Agriculture" zone,
Government Land in DD 9,
Tai Wo Village, Tai Po
(RNTPC Paper No. A/NE-KLH/360)
-

Presentation and Question Sessions

42. Ms. Stephanie P.H. Lai, STP/STN, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed House (NTEH) (Small House);
- (c) departmental comments – the Chief Engineer/Development(2), Water Supplies objected to and the Director of Environmental Protection did not support the application as the site fell within Water Gathering Ground

(WGG) and was not able to connect to existing or planned sewerage system in the area. The District Lands Officer/Tai Po and the Chief Town Planner/Urban Design and Landscape objected to and the Director of Agriculture, Fisheries and Conservation had reservation on the application as the proposed development required the felling of some mature trees;

- (d) five public comments were received during the statutory publication period objecting on grounds of flooding risk, tree felling, adverse landscape and ecological impacts, and presence of alternative flat land for building the Small House; 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 planning intention of “Agriculture” (“AGR”) zone. It did not comply with the interim criteria for assessing planning application for NTEH/Small House development in that it fell within WGG but was unable to be connected to existing or planned sewerage system in the area. The Small House would require felling of mature trees. Concerned Government departments raised objection or had reservation.

43. Members had no question on the application.

Deliberation Session

44. Members agreed that the application was not in line with the planning intention of the “AGR” zone and did not comply with the interim criteria for assessing planning application for NTEH/Small House development, and could not be supported.

45. 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;

- (b) the proposed development did not comply with the interim criteria for assessing planning application for NTEH/Small House development in that the proposed NTEH/Small House development fell within Water Supplies Department's upper indirect water gathering ground (WGG) and was not able to be connected to existing or planned sewerage system in the area. There was insufficient information in the submission to demonstrate that the proposed development located within the WGG would not cause adverse impact on the water quality in the area; and
- (c) the proposed development which required felling of mature trees, was not supported from nature conservation and landscape planning point of view.

[Open Meeting (Presentation and Question Sessions Only)]

- (vii) A/NE-LK/49 Proposed House (New Territories Exempted House)
(NTEH) (Small House)
in "Green Belt" zone,
Lot 1416B in DD 39,
Ma Tseuk Leng Village, Sha Tau Kok
(RNTPC Paper No. A/NE-LK/49)
-

Presentation and Question Sessions

46. Ms. Stephanie P.H. Lai, STP/STN, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;

- (b) the proposed House (NTEH) (Small House);
- (c) departmental comments – the Chief Town Planner/Urban Design and Landscape objected to the application from landscape point of view as the trees to the south of the site might be adversely affected by the proposed Small House and any boundary wall proposal for it. The Assistant Commissioner for Transport/New Territories had reservation on traffic ground. Both of them commented that approving the application would set an undesirable precedent for similar applications leading to cumulative adverse impacts on the landscape and traffic in the area;
- (d) no public comment was received during the statutory publication period and no local objection/view was received by the District Officer; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application for reasons as detailed in paragraph 12.1 of the Paper. The proposed Small House was in line with the interim criteria for assessing planning application for NTEH/Small House development in that the site was within the 'village environs' and there was insufficient land to meet the Small House demand. Although there were objection and reservation on landscape and traffic grounds, sympathetic consideration could be given to the application as a previous application on the parent lot had been approved in 2004 and a similar application was approved on 5.1.2007 on the adjoining lot carved out from the parent lot. There were also a number of existing village houses to the north of the site. The landscape and traffic concerns could be addressed by including relevant approval conditions and advisory clauses.

47. In response to a Member's enquiry on whether the other application (No. A/NE-LK/48) for the adjoining lot No. 1416A should be considered together, Mr. W.K. Hui, DPO/STN, advised that the other application had been approved by the Committee on 5.1.2007. Mr. Hui added that the parent lot No. 1416 was the subject of a previous application for a Small House approved in 2004. Lot 1416 was subsequently subdivided into Lot 1416 sections A, B and RP.

48. The same Member had concern on the possible adverse impacts of the current application on the existing trees to the southeast of the site. As shown in Plan A-3, the application site encroached on the roots of the existing trees. Compared with the proposed Small House on Lot 1416A, it would be even more difficult to protect and preserve the trees that would be affected by the current application.

Deliberation Session

49. The Chairperson drew Members' attention to the suggested approval conditions (a) to (c) and advisory clause (a) in paragraphs 12.2 and 12.3 respectively. She asked Members to consider whether those would be sufficient to address the concern on the possible adverse impacts on the existing trees.

50. Two Members had reservation on the application and made the following points :

- (a) the boundary of the application site encroached the roots of the trees. The nearest tree was only slightly away from the proposed Small House, and would likely be affected by the paving around the Small House. Besides, the proposed Small House would be three storeys high and the crown of the tree might also be adversely affected. There was doubt on the feasibility of implementing the suggested approval condition (a) on no tree felling or over-pruning; and
- (b) although application No. A/NE-LK/48 was approved subject to the same conditions, the existing trees to the southeast of the current application site were much closer.

51. Three Members expressed support for the application based on the following considerations :

- (a) there should be sufficient space for protection of the trees, which usually required a clearance of 3m only; and

- (b) the site fell within the ‘village environs’ and was the subject of a previous approval for a Small House in 2004. The suggested approval conditions (a) to (c) and advisory clause (a) should be sufficient to protect the existing trees.

52. The Secretary informed Members that the word “east” in line 3 of the advisory clause (a) in paragraph 12.3 should read “south-east”.

53. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 23.3.2011, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

- (a) no felling or over-pruning of the trees adjoining the application site should be carried out;
- (b) the submission of tree preservation and landscape proposals to the satisfaction of the Director of Planning or of the TPB prior to the land grant for the proposed development;
- (c) the implementation of tree preservation and landscape proposals to the satisfaction of the Director of Planning or of the TPB;
- (d) the submission and implementation of drainage proposals to the satisfaction of the Director of Drainage Services or of the TPB; and
- (e) the design and provision of firefighting access, water supplies for firefighting and fire service installations to the satisfaction of the Director of Fire Services or of the TPB.

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

- (a) to avoid potential impacts of the development on the existing trees adjoining the application site, the amount of paved area around the development should be limited and the area to the south-east of the proposed Small House should not be paved;
- (b) to note the Chief Engineer/Development(2), Water Supplies Department (WSD)'s comments that :
 - (i) to assess the need to extend his inside services to the nearest Government water mains for connection, and to resolve any land matter (such as private lots) associated with the provision of water supply and should be responsible for the construction, operation and maintenance of the inside services within private lots to WSD's standards;
 - (ii) water mains in the vicinity of the application site could not provide the standard firefighting flow; and
- (c) that the permission was only given to the development under application. If provision of an access road was required for the proposed development, the applicant should ensure that such access road (including any necessary filling/excavation of land) complied with the provisions of the relevant statutory plan and obtain planning permission from the TPB where required before carrying out the road works.

[Open Meeting (Presentation and Question Sessions Only)]

- (viii) A/NE-LK/52 Proposed House (New Territories Exempted House)
(NTEH) (Small House)
in "Agriculture" and "Village Type Development" zones,
Lot 1361 in DD 39,
Ma Tseuk Leng Village, Sha Tau Kok
(RNTPC Paper No. A/NE-LK/52)
-

Presentation and Question Sessions

55. Ms. Stephanie P.H. Lai, STP/STN, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed House (NTEH) (Small House);
- (c) departmental comments – no objection or no adverse comment from concerned Government departments was received;
- (d) no public comment was received during the statutory publication period and no local objection/view was received by the District Officer; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application for reasons as detailed in paragraph 11.1 of the Paper.

56. Members had no question on the application.

Deliberation Session

57. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 23.3.2011, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

- (a) the submission and implementation of landscaping proposals to the satisfaction of the Director of Planning or of the TPB;
- (b) the design and provision of firefighting access, water supplies for firefighting and fire service installations to the site to the satisfaction of the Director of Fire Services or of the TPB; and

- (c) the submission and implementation of drainage proposals to the satisfaction of the Director of Drainage Services or of the TPB.

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

- (a) to note the Chief Engineer/Development(2), Water Supplies Department (WSD)'s comments to assess the need to extend his inside services to the nearest Government water mains for connection, and to resolve any land matter (such as private lots) associated with the provision of water supply and should be responsible for the construction, operation and maintenance of the inside services within private lots to WSD's standards; and
- (b) to note that the permission was only given to the development under application. If provision of an access road was required for the proposed development, the applicant should ensure that such access road (including any necessary filling/excavation of land) complied with the provisions of the relevant statutory plan and obtain planning permission from the TPB where required before carrying out the road works.

[Open Meeting (Presentation and Question Sessions Only)]

- (ix) A/NE-TK/229 Proposed House (New Territories Exempted House)
(NTEH) (Small House)
in "Village Type Development" and "Recreation" zones,
Lots 1664ERP and 1664F in DD 17,
Lo Tsz Tin Village, Tai Po
(RNTPC Paper No. A/NE-TK/229)
-

Presentation and Question Sessions

59. Ms. Stephanie P.H. Lai, STP/STN, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed House (NTEH) (Small House);
- (c) departmental comments – no objection or no adverse comment from concerned Government departments was received;
- (d) one public comment expressing no comment on the application was received during the statutory publication period; 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.

60. Members had no question on the application.

Deliberation Session

61. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 23.3.2011, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

- (a) the submission and implementation of landscaping proposals to the satisfaction of the Director of Planning or of the TPB; and
- (b) the submission and implementation of drainage **proposals** to the satisfaction of the Director of Drainage Services or of the TPB.

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

- (a) the applicant might need to extend his inside services to the nearest Government water mains for connection, and to resolve the land matters associated with the provision of water supply and should be responsible for

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

- (b) water mains in the vicinity of the application site could not provide the standard firefighting flow;
- (c) the applicant should consult the Environmental Protection Department regarding the sewage treatment/disposal method for the proposed development and the provision of the proposed septic tank; and
- (d) to note that the permission was only given to the development under application. If provision of an access road was required for the proposed development, the applicant should ensure that such access road (including any necessary filling/excavation of land) complied with the provisions of the relevant statutory plan and obtain planning permission from the TPB where required before carrying out the road works.

Agenda Item 5

Section 16A Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-KTS/228-1 Proposed Houses (Amendments to Approved Scheme)
in "Residential (Group C)2", "Government, Institution or Community",
"Open Space", "Green Belt" and "Agriculture" zones,
and area shown as 'Road',
Lot 2242 in DD 95, Kwu Tung South, Sheung Shui
(RNTPC Paper No. A/NE-KTS/228-1)

Presentation and Question Sessions

63. The Secretary reported that Mr. Alfred Donald Yap and Mr. Y.K. Cheng, having current business dealings with the applicant, had declared interests in this item. Mr. Alfred Donald Yap had tendered apologies for not attending the meeting.

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

64. Ms. Stephanie P.H. Lai, STP/STN, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application, highlighting that the application only involved some Class A amendments (which were permitted as of right) and Class B amendments to the approved scheme (which could normally be dealt with by the Director of Planning under the delegated authority of the Town Planning Board). However, there were local objections to the application and the application was therefore submitted to the Committee for consideration;
- (b) the proposed Houses (amendments to approved scheme);
- (c) departmental comments – no objection or no adverse comment from concerned Government departments was received;
- (d) two local objections were received by the District Officer objecting on traffic, infrastructure (sewerage, drainage, water supply) and land ownership grounds; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application for reasons as detailed in paragraph 9.1 of the Paper. The current submission was similar to the previously approved scheme with no change in the major development parameters. The proposed Class B amendments in respect of changes in the layout of internal roads and emergency vehicular access and corresponding changes in disposition of houses were considered acceptable. There was no reduction in the provision of landscape area and the tree assessment report and compensatory planting proposal were acceptable. Although there were local objections on traffic, infrastructure and land ownership grounds, concerned Government departments had no objection. The applicant was the sole owner of all the land within the proposed development. To

address the local concerns, the applicant should be advised to continue to brief and liaise with the local villagers regarding the proposed development.

65. Members had no question on the application.

Deliberation Session

66. Members considered that the proposed Class B amendments were minor in nature and acceptable.

67. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 7.7.2010, 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 design and provision of vehicular access road, parking spaces and loading/unloading facilities to the satisfaction of the Commissioner for Transport or of the TPB;
- (b) the submission and implementation of tree preservation and landscaping proposals to the satisfaction of the Director of Planning or of the TPB;
- (c) the submission and implementation of drainage proposals to the satisfaction of the Director of Drainage Services or of the TPB;
- (d) the design and implementation of sewage treatment facilities/sewer connections to the application site to the satisfaction of the Director Environmental Protection or of the TPB;
- (e) no population intake should be allowed prior to the completion of Shek Wu Hui Sewage Treatment Works upgrading works currently scheduled in 2009;

- (f) the design and provision of fire service installations and firefighting water supplies to the satisfaction of the Director of Fire Services or of the TPB; and
- (g) the submission of a natural terrain hazard study and the implementation of the mitigation measures identified therein to the satisfaction of the Director of Civil Engineering and Development or of the TPB.

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

- (a) to seek approval from the District Lands Officer/North, Lands Department under the lease;
- (b) to note the comments from the Chief Engineer/Development(2), Water Supplies Department that :
 - (i) the application site was located within the flood pumping catchment area associated with River Indus and River Ganges pumping stations; and
 - (ii) the developer should bear the cost of any necessary diversion works of existing water mains affected by the proposed residential development;
- (c) to note the comments from the Chief Building Surveyor/New Territories West, Buildings Department that :
 - (i) the proposed roundabout at the southern portion of the application site should be deducted from site area for the purposes of site coverage and plot ratio calculations under Building (Planning) Regulations (B(P)Rs);
 - (ii) any internal streets, if required, under s.16(1)(p) of the Buildings Ordinance should be deducted from site area for the purposes of site

coverage and plot ratio calculations under B(P)Rs;

- (iii) the provision of emergency vehicular access to all the buildings within the application site should be in all aspects comply with the B(P)R 41D;
- (iv) each site should be self-sustainable with permissible gross floor area, plot ratio and site coverage capped under the First Schedule of B(P)R separately;
- (d) to consult the Director of Leisure and Cultural Services, and the Chief Highways Engineer/New Territories East, Highways Department should any trees on public roads be affected;
- (e) to note the comment from the Chief Highway Engineer/New Territories East, Highways Department that all private facilities and structures should be constructed within the lot and maintained by the lot owner; and
- (f) to brief and liaise with the local villagers regarding the proposed development.

[The Chairperson thanked Mr. W.K. Hui, DPO/STN, and Ms. Stephanie P.H. Lai, STP/STN, for their attendance to answer Members' enquiries. Mr. Hui and Ms. Lai left the meeting at this point.]

Tuen Mun and Yuen Long District

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

[Mr. Y.K. Cheng returned to the meeting while Mr. Tony C.N. Kan left the meeting temporarily at this point.]

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application for reasons as detailed in paragraph 10.1 of the Paper. The proposed religious institution with its small scale and located within the non-domestic podium of the residential development was not incompatible with the adjoining shops and services uses. There was a separate entrance for the religious institution and therefore no adverse nuisance was expected. Although there was a local objection, concerned Government departments had no objection and considered there was adequate supply of kindergartens in the area. An advisory clause would be included to request the applicant to liaise with the IO of the concerned residential development. DLO/TM's concern was a land matter and an advisory clause could be included requesting the applicant to provide clarifications to DLO/TM in this regard.

70. Members had no question on the application.

Deliberation Session

71. Members considered the proposed religious institution located in the non-domestic podium of the residential development acceptable.

72. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 23.3.2011, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the condition that the provision of fire service installations in the subject premises to the satisfaction of the Director of Fire Services or of the TPB.

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

- (a) note the District Lands Officer/Tuen Mun's comments that the applicant should clarify that the proposed change of use and the inclusion of two open spaces were not in breach of the provisions in the Deed of Mutual

Covenant and that the covered entrance would not exceed the overall gross floor area stipulated in the lease conditions;

- (b) resolve any land issues relating to the development with the concerned owner(s) of the application site;
- (c) note the Chief Building Surveyor/New Territories West, Buildings Department's comments that the separating wall between the concerned religious institution and the remaining part of the building should have a fire resistance period of not less than 2 hours; and the number and width of the exit door(s) should be constructed in accordance with the requirements under Code of Practice for the Provision of Means of Escape in Case of Fire;
- (d) note the Director of Fire Services' comments that detailed fire service requirements would be formulated upon receipt of formal submission of general building plans; and
- (e) liaise with the Incorporated Owners of Tuen Mun Tai Hing Garden, Phase One to address their concerns.

[Open Meeting (Presentation and Question Sessions Only)]

- (ii) A/TM/354 Proposed Dangerous Goods Godown
in "Industrial" zone,
Workshop B(Part), G/F,
Hung Cheung Industrial Centre (Phase II),
10 Tsing Yeung Circuit, Tuen Mun
(RNTPC Paper No. A/TM/354)
-

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed dangerous goods godown;
- (c) departmental comments – no objection or no adverse comment from concerned Government departments was received;
- (d) a total of nine public comments were respectively received during the statutory publication periods of the application, and the further information submitted on 19.1.2007 and 16.2.2007, objecting on safety and traffic grounds. One local objection was also received by the District Officer expressing strong objection; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application for reasons as detailed in paragraph 10.1 of the Paper. The dangerous goods godown was not substantive in scale and located on the ground level with direct access to two streets. It was not incompatible with and would not have adverse impacts on the industrial uses in the same building. Although there were strong local objections on traffic and safety grounds, concerned Government departments had no objection and the applicant had to meet the licensing requirements of the Fire Services Department. To address the local objections, an approval condition requiring provision of fire service installations in the subject dangerous goods godown was proposed.

75. Members had no question on the application.

Deliberation Session

76. Members considered the proposed use was compatible with the industrial uses in the same building.

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

should be valid until 23.3.2011, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the condition that the provision of fire service installations in the subject premises to the satisfaction of the Director of Fire Services or of the TPB.

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

- (a) resolve any land issues relating to the development with the concerned owner(s) of the application site;
- (b) note the District Lands Officer/Tuen Mun's comments that the applicant should comply with all the provisions of the Dangerous Goods Ordinance, and the method of storage of goods and the nature and the volume or quantity of goods stored should be subject to the approval of the Director of Fire Services;
- (c) note the Chief Building Surveyor/New Territories West, Buildings Department's comments that any unauthorized structures on site should be removed otherwise they would be liable to action under section 24 of the Buildings Ordinance; the development intensity should be determined under Building (Planning) Regulations; and the provision of Emergency Vehicular Access should comply with Building (Planning) Regulations 41D;
- (d) note the Director of Fire Services' comments that detailed fire service requirements would be formulated upon receipt of formal submission of general building plans and licence application; and
- (e) liaise with the Incorporated Owners of the subject and adjacent industrial buildings to address their concerns.

[Open Meeting (Presentation and Question Sessions Only)]

- (iii) A/TM-LTYY/148 Temporary Office and Warehouse for a Period of 3 Years in “Village Type Development” zone, Lots 3669RP(Part), 3670(Part), 3671(Part), 3675E(Part), 3720(Part) and 3721(Part) in DD 124, Sun Fung Wai, Tuen Mun
(RNTPC Paper No. A/TM-LTYY/148)
-

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the temporary office and warehouse under application;
- (c) departmental comments – the Director of Environmental Protection did not support the application as there were sensitive uses in the vicinity of the site and environmental nuisance was expected. The Assistant Commissioner for Transport/New Territories did not support the application from traffic point of view as the vehicular access of the site was too close to the existing signalised junction of Castle Peak Road/Shun Tat Street and could not meet the current standard. The Director of Drainage Services considered that the applicant should demonstrate clearly that the proposed development would not cause any increase in the flooding susceptibility of the adjacent areas;
- (d) two and one public comments were received during the statutory publication period of the application and the further information objecting on traffic and safety grounds; 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 “Village Type Development” (“V”) zone, and not compatible with the residential character of the surrounding area. There was no information in the submission to demonstrate that the development would not have adverse drainage and environmental impacts on the surrounding areas. Also, the AC for T/NT did not support the application as the vehicular access point was sub-standard.

80. Members had no question on the application.

Deliberation Session

81. Members considered the temporary office and warehouse use in the “V” zone not acceptable.

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

- (a) the development was not in line with the planning intention of the “Village Type Development” (“V”) zone which was to reflect existing recognized and other villages, and to provide land considered suitable for village expansion. Land within “V” zone was primarily intended for development of Small Houses by indigenous villagers. There was no strong justification in the submission for a departure from such planning intention, even on a temporary basis;
- (b) the development was not compatible with the residential dwellings in the surrounding areas;
- (c) the proposed vehicular access point at Shun Tat Street was considered unacceptable; and
- (d) there was no information in the submission to demonstrate that the development would not have adverse drainage and environmental impacts

Deliberation Session

85. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 23.3.2011, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

- (a) the provision of fire service installations to the satisfaction of the Director of Fire Services or of the TPB; and
- (b) the submission and implementation of a landscape proposal to the satisfaction of the Director of Planning or of the TPB.

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

- (a) to apply to the District Lands Officer/Yuen Long for Short Term Waiver for the proposed package substation to be erected on the application site;
- (b) note the Chief Building Surveyor/New Territories West, Buildings Department's comments that formal submission of any proposed new works, including any temporary structure for approval under the Buildings Ordinance was required. If the site was not abutting on and accessible from a street having a width of not less than 4.5m, the development intensity should be determined under Building (Planning) Regulation 19(3) at building plan submission stage; and
- (c) note the Chief Engineer/Development (2), Water Supplies Department's comments that existing water mains would be affected. The developer should bear the cost of any necessary diversion works affected by the proposed development.

[Open Meeting (Presentation and Question Sessions Only)]

(v) A/YL/146 Proposed Relaxation of Site Coverage Restriction
for Permitted House Development
in “Residential (Group B)” zone,
Lot 1917C2 in DD 120,
Tai Shu Ha Road East, Ma Tin Tsuen,
Shap Pat Heung, Yuen Long
(RNTPC Paper No. A/YL/146)

(vi) A/YL/147 Proposed Relaxation of Site Coverage Restriction
for Permitted House Development
in “Residential (Group B)” zone,
Lot 1917C3 in DD 120,
Tai Shu Ha Road East, Ma Tin Tsuen,
Shap Pat Heung, Yuen Long
(RNTPC Paper No. A/YL/147)

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

Presentation and Question Sessions

88. Mr. W.M. Lam, STP/TMYL, presented the applications and covered the following aspects as detailed in the Papers :

- (a) background to the applications;
- (b) the proposed relaxation of site coverage restriction for the permitted house development;
- (c) departmental comments – no objection or no adverse comment from concerned Government departments was received;

- (d) no public comment was received during the statutory publication period and no local objection/view was received by the District Officer; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the applications for reasons as detailed in paragraph 10.1 of the Papers.

89. Members had no question on the applications.

Deliberation Session

90. After deliberation, the Committee decided to approve the two applications, on the terms of the applications as submitted to the Town Planning Board (TPB). Each permission should be valid until 23.3.2011, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. Each permission was subject to the following conditions :

- (a) the submission and implementation of a drainage proposal to the satisfaction of the Director of Drainage Services or of the TPB; and
- (b) the submission and implementation of a landscape proposal to the satisfaction of the Director of Planning or of the TPB.

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

- (a) note the Assistant Commissioner for Transport/New Territories, Transport Department's comments that the land status of the road/path/track leading to the site should be checked with the lands authority. Besides, the management and maintenance responsibilities of the same road/path/track should be clarified;
- (b) note the Chief Engineer/Development (2), Water Supplies Department (WSD)'s comments that for provision of water supply to the development, the applicant might need to extend his inside services to the nearest suitable government water mains for connection. The applicant should resolve

any land matter (such as private lots) associated with the provision of water supply and should be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD's standards; and

- (c) note the Chief Building Surveyor/New Territories West, Buildings Department's comments that if any non-exempted site formation works and/or communal drainage systems were involved, plans should be submitted for approval of the Building Authority through an authorized person prior to commencement of the said works.

[Open Meeting (Presentation and Question Sessions Only)]

- (vii) A/YL-HT/478 Proposed Temporary Logistics Centre
for a Period of 3 Years
in "Recreation" zone,
Lots 1482RP(Part), 1483(Part), 1484RP, 1485,
1488RP(Part), 1489RP(Part), 1491RP(Part), 1493(Part),
1494, 1495(Part) and 1496(Part) in DD 125
and Adjoining Government Land,
Ha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-HT/478)
-

Presentation and Question Sessions

92. Mr. W.M. Lam, STP/TMYL, informed Members the following corrections to the Paper :

- (a) "in the vicinity of the access road" in paragraph 10.1.3 should read "in the vicinity of the site and the access road"; and
- (b) review application No. A/YL-HT/469 to the south-east of the current application site, which was rejected by the Town Planning Board on 16.3.2007, should be included in Plan A-1.

93. Mr. W.M. Lam proceeded to present the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed temporary logistic centre;
- (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 Assistant Commissioner for Transport/New Territories requested the Committee to consider if the approval of the application would set an undesirable precedent for other similar applications in the surrounding areas;
- (d) no public comment was received during the statutory publication period and no local objection/view was received by the District Officer; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application for reasons as detailed in paragraph 12.2 of the Paper. The application was generally in line with the Town Planning Board (TPB) Guidelines No. 13D for Application for Open Storage and Port Back-up Uses in that the site fell entirely within Category 2 areas and the proposed use was not incompatible with the surrounding open storage uses. Concerned Government departments and the public had no objection, except DEP. To address DEP’s concern, approval conditions restricting operation hours and an advisory clause on the need to follow “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” were suggested to minimise any possible environmental impacts.

94. Members had no question on the application.

Deliberation Session

95. The Chairperson informed Members that the land use review for the Ha Tsuen area previously requested by the TPB was being undertaken to take into account the proximity of the area to the Deep Bay Link.

96. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years up to 23.3.2010, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no night-time operation from 5:00 p.m. to 9:00 a.m. on Mondays to Fridays, before 9 a.m. and after 12:00 noon on Saturdays, as proposed by the applicant, was allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, was allowed on the site during the planning approval period;
- (c) the submission of a tree preservation proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 23.9.2007;
- (d) in relation to (c) above, the implementation of the accepted landscape proposal as submitted, and the accepted tree preservation proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 23.12.2007;
- (e) the submission of a 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 23.9.2007;
- (f) in relation to (e) above, the implementation of the accepted drainage proposal within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 23.12.2007;

- (g) the provision of a 9-litre water type/3kg dry powder fire extinguisher in the site office within 6 months from the date of planning approval to the satisfaction of Director of Fire Services or of the TPB by 23.9.2007;
- (h) the provision of paving and fencing of the site within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 23.9.2007;
- (i) 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;
- (j) if any of the above planning conditions (c), (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 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.

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

- (a) resolve any land issues relating to the development with the concerned owner(s) of the application site;
- (b) note the comments of District Lands Officer/Yuen Long (DLO/YL) that the lots under application were Old Schedule Agricultural Lots held under the Block Government Lease under which no structures were allowed to be erected without prior approval from his Office, and to apply to his office for Short Term Wavier for erection of the proposed office on site and exclude the Government land portion of the site;

- (c) follow the latest “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Director of Environmental Protection;
- (d) note the comments of the Assistant Commissioner for Transport/New Territories, Transport Department that the land status of the road/path/track leading to the site from Tin Ha Road should be checked with the lands authority and that the management and maintenance responsibilities of this road/path/track should be clarified, and the relevant lands and maintenance authorities should be consulted accordingly; and
- (e) note the comments of the Chief Engineer/Mainland North, Drainage Services Department that the sizes of the underground drains from the proposed catchpits to existing river in the proposal should be stated and that relevant lot owners and DLO/YL should be consulted for the drainage works outside the lot boundary.

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

[Open Meeting (Presentation and Question Sessions Only)]

- (viii) A/YL-HT/479 Proposed Temporary Open Storage of Recyclable Metal
for a Period of 3 Years
in “Recreation” zone,
Lot 1187RP(Part) in DD 125
and Adjoining Government Land,
Ha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-HT/479)
-

Presentation and Question Sessions

- 98. The Secretary reported that Dr. James Lau had declared an interest in this item as he had current business dealings with the consultant of this application.

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

99. Mr. W.M. Lam, STP/TMYL, informed Members that the limit on operation hours suggested in paragraph 12.3(a) of the Paper should read “11p.m. to 7a.m., as proposed by the applicant.

100. Mr. W.M. Lam, STP/TMYL, proceeded to present the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed temporary open storage of recyclable metal;
- (c) departmental comments – the Director of Environmental Protection (DEP) did not support the application as there were sensitive uses in the vicinity of the access road, and environmental nuisance was expected. The Assistant Commissioner for Transport/New Territories requested the Committee to consider if the approval of the application would set an undesirable precedent for other similar applications in the surrounding areas;
- (d) no public comment was received during the statutory publication period and no local objection/view was received by the District Officer; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application for reasons as detailed in paragraph 12.2 of the Paper. The application was generally in line with the Town Planning Board Guidelines 13D for Application for Open Storage and Port Back-up Uses in that the site fell partly within Category 2 areas and partly within Category 3 areas and the proposed use was not incompatible with the surrounding open storage uses. Also, previous planning approval had been given and the approval conditions had been complied with. Concerned Government departments and the public had no objection, except DEP. To address DEP’s concern, approval conditions restricting operation hours and forbidding handling of electronic wastes, used electrical appliances, used

car batteries and plastic wastes. The applicant should also be advised to follow “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” to minimise possible environmental impacts.

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

101. Members had the following questions :

- (a) noting that electronic wastes were currently stored on site as shown in Plan A-4, whether the applicant had been warned against storage of such materials;
- (b) whether “recyclable metal” could be clearly defined and whether photocopying machine would fall into the category; and
- (c) whether the uses mentioned in paragraph 1.1 of the Paper, which included plastic amongst others, would be considered as recyclable metal.

102. In response, Mr. Wilson Y.L. So, DPO/TMYL, advised that paragraph 1.1 of the Paper described the uses currently found on site, which included plastic and other electronic materials. Enforcement Notices had been issued by the Planning Authority against the unauthorized development on site. The applicant was now applying for storage of recyclable metal only. To avoid abuse, an approval condition forbidding any handling of used electronic materials, used electrical appliances, used car batteries and plastic wastes on the site was recommended in paragraph 12.3(c) of the Paper.

Deliberation Session

103. The Secretary pointed out that the applicant had stated in the application form that the current use on site was open storage of recyclable metal and applied for the same use. Should the application be approved, the applicant should be reminded that the materials currently stored on site should not be classified as recyclable metal.

104. In view of the reservation expressed by DEP, a Member proposed that the operation hours should be restricted to 7a.m. to 7p.m. to avoid generating any possible nuisance to the sensitive receivers in the area. Moreover, there should not be a need for open storage uses to operate till 11p.m. Other Members agreed.

105. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years up to 23.3.2010, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no night-time operation from 7:00 p.m. to 7:00 a.m. was allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays was allowed on the site during the planning approval period;
- (c) no handling (including loading, unloading and storage) of electronic wastes (including cathode-ray tubes), used electrical appliances and equipment, used batteries and plastic materials should be permitted on the site during the planning approval period;
- (d) no dismantling and workshop activities should be carried out on the site at any time during the planning approval period;
- (e) the existing drainage facilities implemented under the previous approved Application No. A/YL-HT/282 should be maintained at all times during the planning approval period;
- (f) the submission of a record of the existing drainage facilities approved under Application No. A/YL-HT/282 within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 23.9.2007;
- (g) the submission of a tree preservation proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or

of the TPB by 23.9.2007;

- (h) in relation to (g) above, the implementation of the accepted tree preservation proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 23.12.2007;
- (i) the provision of a 9-litre water type/3kg dry powder fire extinguisher in the site office within 6 months from the date of planning approval to the satisfaction of Director of Fire Services or of the TPB by 23.9.2007;
- (j) if any of the above planning conditions (a), (b), (c), (d) or (e) was not complied with during the approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (k) if any of the above planning conditions (f), (g), (h) or (i) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and
- (l) upon expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the TPB.

106. The Committee agreed that the applicant should be reminded that the permission was given to the use under application only. It did not condone any other use which currently existed on the site but not covered by the application such as the storage of electronic wastes (including cathode-ray tubes), used electrical appliances and equipment, used batteries and plastic materials. The applicant should be requested to take immediate action to discontinue such use not covered by the permission.

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

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

- (b) note the comments of District Lands Officer/Yuen Long that the lots under application were Old Schedule Agricultural Lots held under the Block Government Lease under which no structures were allowed to be erected without prior approval from his Office, and to apply to his office for Short Term Wavier and Short Term Tenancy to regularize the unauthorized structures and occupation of Government land on the site;
- (c) follow the latest “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Director of Environmental Protection; and
- (d) note the comments of the Assistant Commissioner for Transport/New Territories, Transport Department that the land status of the road/path/track leading to the site should be checked with the lands authority and that the management and maintenance responsibilities of this road/path/track should be clarified, and the relevant lands and maintenance authorities should be consulted accordingly.

[Mr. Elvis W.K. Au left the meeting whilst Dr. James Lau and Mr. B.W. Chan returned to join the meeting at this point.]

[Open Meeting (Presentation and Question Sessions Only)]

- (ix) A/YL-HT/480 Temporary Logistics Centre and Warehouse
for a Period of 3 Years
in “Comprehensive Development Area” zone,
Lots 80(Part), 88(Part), 89(Part), 90(Part),
91(Part) and 92(Part) in DD 125,
Ha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-HT/480)
-

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the temporary logistics centre and warehouse under application;
- (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 along the access road, and environmental nuisance was expected. The Assistant Commissioner for Transport/New Territories requested the Committee to consider if the approval of the application would set an undesirable precedent for other similar applications in the surrounding areas;
- (d) no public comment was received during the statutory publication period and no local objection/view was received by the District Officer; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application for reasons as detailed in paragraph 12.2 of the Paper. There was no immediate development proposal for the “Comprehensive Development Area” zone and the proposed use was not incompatible with the surrounding open storage, workshop and container vehicle parks uses. Concerned Government departments and the public had no objection, except DEP. To address DEP’s concern, approval conditions restricting the operation hours and an advisory clause on the need to follow “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” were suggested to minimise any possible environmental impacts.

109. Members had no question on the application.

Deliberation Session

110. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years up to 23.3.2010, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no night-time operation from 5:00 p.m. to 9:00 a.m. on Mondays to Fridays, and before 9:00 a.m. and after 2:00 p.m. on Saturdays, as proposed by the applicant, was allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, was allowed on the site during the planning approval period;
- (c) the submission of a tree preservation proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 23.9.2007;
- (d) in relation to (c) above, the implementation of the accepted landscape proposal as submitted, and the accepted tree preservation proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 23.12.2007;
- (e) 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 23.9.2007;
- (f) the provision of fire service installations within 6 months from the date of planning approval to the satisfaction of Director of Fire Services or of the TPB by 23.9.2007;
- (g) 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;

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

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

- (a) resolve any land issues relating to the development with the concerned owner(s) of the application site;
- (b) note the comments of District Lands Officer/Yuen Long (DLO/YL) that the lots under application were Old Schedule Agricultural Lots held under the Block Government Lease under which no structures were allowed to be erected without prior approval from his Office, and apply to his office for Short Term Wavier to regularize the unauthorized structures on site;
- (c) follow the latest “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Director of Environmental Protection;
- (d) note the comments of the Director of Fire Services to submit relevant building plans incorporated with the proposed fire service installations to his Department for approval even though the submission of general building plans was not required under the Buildings Ordinance;
- (e) note the comments of the Chief Engineer/Development (2), Water Supplies Department (WSD) that extension of inside services to the nearest suitable Government water mains for connection might be needed for provision of water supply to the proposed development, any land matter (such as private lots) associated with the provision of water supply should be resolved, and the construction, operation and maintenance of inside services within the

private lots should be the applicant's responsibility and to WSD's standards;

- (f) note the comments of the Chief Engineer/Land Works, Civil Engineering and Development Department that the site was located near the proposed works limit of project item No. 7794TH "Ping Ha Road Improvement – Remaining Works (Northern Part of Ha Tsuen Section)", the construction works of which would commence in 2007 for a period of about 3 years during which period the ingress/egress between the proposed site and Ping Ha Road might be affected, and the applicant might not be entitled to claim any compensation thereof;
- (g) note the comments of the Assistant Commissioner for Transport/New Territories, Transport Department that the land status of the road/path/track leading to the site from Tin Ha Road should be checked with the lands authority and that the management and maintenance responsibilities of this road/path/track should be clarified, and the relevant lands and maintenance authorities should be consulted accordingly; and
- (h) note the comments of the Chief Engineer/Mainland North, Drainage Services Department that relevant lot owners and DLO/YL should be consulted for the drainage works outside the lot boundary.

[Open Meeting (Presentation and Question Sessions Only)]

- (x) A/YL-KTN/265 Proposed 2 New Territories Exempted Houses (NTEHs) (Small Houses) in "Agriculture" and "Village Type Development" zones, Lots 136A and 136RP in DD 109, Kam Hing Wai, Kam Tin, Yuen Long (RNTPC Paper No. A/YL-KTN/265)
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Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed 2 NTEHs (Small Houses);
- (c) departmental comments – the District Lands Officer/Yuen Long, Lands Department (DLO/YL) did not support the Small House in Lot 136A as it fell entirely outside the ‘village environs’ of Kam Hing Wai and the “Village Type Development” (“V”) zone;
- (d) one public comment was received during the statutory publication period expressing support for the application; and
- (e) the Planning Department (PlanD)’s views – as the proposed Small House A at Lot 136RP fell entirely within the “V” zone, it was always permitted and no planning permission was required. As regards the proposed Small House B on Lot 136A, PlanD did not support because it did not meet the interim criteria for assessing planning applications for NTEH/Small Houses development in that it fell outside both the ‘village environs’ and “V” zone.

113. Members had no question on the application.

Deliberation Session

114. In response to the Chairperson’s enquiry on why the “V” zone boundary in the southern part was a straight line without reference to the physical features on ground, Mr. Wilson Y.L. So advised that the “V” zone boundary had remained so since its first designation in 1994. There might not be distinct physical features on ground at that time.

115. Members agreed that Small House A falling within the “V” zone was always permitted. For Small House B, a Member commented that there was sufficient land in the “V” zone and there should be no need to build a Small House at the periphery. Noting that it did not meet the interim criteria, Members did not support Small House B. Nevertheless, Members considered that the land use zoning for the area to the south-western of the “V” zone should be reviewed. The PlanD was requested to undertake the review for the said area.

116. After deliberation, the Committee decided to reject the application of proposed Small House B on Lot 136A and the reasons were :

- (a) the proposed development was not in line with the planning intention of the “Agriculture” zone which was to retain and safeguard good agricultural land for agricultural purpose and 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; and
- (b) the proposed development did not comply with the interim criteria for assessing planning applications for NTEH/Small Houses development in that it fell outside both the ‘village environs’ and “Village Type Development” (“V”) zone and there was insufficient information in the submission to demonstrate why suitable sites within the areas zoned “V” could not be made available for the proposed development.

[Open Meeting (Presentation and Question Sessions Only)]

- (xi) A/YL-LFS/156 Proposed Residential Development
in “Residential (Group C)” and “Residential (Group D)” zones,
Lots 10RP, 12(Part), 14B(Part), 14RP, 15A(Part),
15RP(Part), 16(Part), 17A(Part), 17B, 17C and
17RP in DD 128, Lots 2153A and 2388A2 in DD 129,
and Adjoining Government Land,
Lau Fau Shan, Yuen Long
(RNTPC Paper No. A/YL-LFS/156)
-

Presentation and Question Sessions

117. The Secretary reported that Dr. James Lau had declared an interest in this item as he had current business dealings with the consultant of this application. Since the applicant had requested the Committee to defer consideration of the application and discussion of and determination on this item was not necessary, Members agreed that Dr. James Lau could stay in the meeting.

118. The Committee noted that the applicant had requested for a deferment of the consideration of the application to allow time to provide supplementary information to address technical concerns of Government departments.

Deliberation Session

119. 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)]

- (xii) A/YL-TT/207 Temporary Open Storage of Second-hand Private Cars with Ancillary Office for a Period of 3 Years in “Village Type Development” zone, Lot 3255RP in DD 120, Shung Ching San Tsuen, Tai Tong, Yuen Long
(RNTPC Paper No. A/YL-TT/207)
-

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the temporary open storage of second-hand private cars with ancillary office under application;
- (c) departmental comments – the Director of Environmental Protection (DEP) did not support the application as there were sensitive receivers including residential dwellings in the vicinity of the site, and environmental nuisance was expected. The Assistant Commissioner for Transport/New Territories (AC for T/NT) requested the Committee to consider if the approval of the application would set an undesirable precedent for other similar applications in the surrounding areas;
- (d) two public comments were received during the statutory publication period objecting on environment, traffic and road safety grounds; 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 “Village Type Development” zone and did not comply with the Town Planning Board (TPB) Guidelines No. 13D for ‘Application for Open Storage and Port Back-up Uses’ in that the site fell within Category 4 areas and there were no exceptional circumstances that merit departure from the planning intention. DEP and AC for T/NT had reservation due to the adverse environmental and traffic impacts to the surrounding areas and there were local objections. Approving the application would set an undesirable precedent for similar uses to proliferate in the “V” zone and would lead to cumulative and general degradation of the surrounding environment.

121. Members had no question on the application.

Deliberation Session

122. Members considered the proposed open storage use not in line with the TPB Guidelines No. 13D.

123. 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” (“V”) 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 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’ (TPB PG-No. 13D) in that the development was not compatible with the residential dwellings in the vicinity of the site, there were no exceptional circumstances to merit approval and also there were adverse department comments against the applied use;
- (c) there was insufficient information in the submission to demonstrate that the proposed development would not cause adverse environmental and traffic impacts on the surrounding areas; and
- (d) the approval of the application would set an undesirable precedent for similar uses to proliferate in the “V” zone. The cumulative effect of approving such applications would result in a general degradation of the environment of the area.

[Open Meeting (Presentation and Question Sessions Only)]

- (xiii) A/YL-TT/208 Proposed House (New Territories Exempted House)
(NTEH) (Small House)
in “Village Type Development” and “Agriculture” zones,
Lot 861CRP(Part) in DD 117,
Wong Nai Tun Tsuen, Shap Pat Heung, Yuen Long
(RNTPC Paper No. A/YL-TT/208)
-

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed House (NTEH) (Small House);
- (c) departmental comments – no objection or no adverse comment from concerned Government departments was received;
- (d) no public comment was received during the statutory publication period and no local objection/view was received by the District Officer; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application for reasons as detailed in paragraph 12.1 of the Paper.

125. Members had no question on the application.

Deliberation Session

126. Members considered the proposed Small House complied with the interim criteria for assessing planning application for NTEH/Small House development.

127. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 23.3.2011, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

- (a) the submission and implementation of drainage proposals to the satisfaction of the Director of Drainage Services or of the TPB; and
- (b) the submission and implementation of landscape proposals to the satisfaction of the Director of Planning or of the TPB.

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

- (a) note the District Lands Officer/Yuen Long (DLO/YL), Lands Department's comments that Lot 861 S.C RP was an old schedule agricultural lot with 2 detached portions. If the Small House application was approved, a Free Building Licence (FBL) would be considered to be granted in respect of the whole application lot, i.e. not just the application portion of the lot. However, the FBL would be confined to a built-over area of 65.03m² for the Small House development on the site;
- (b) note the Chief Engineer/Development(2) Division, Water Supplies Department's comments that water mains in the vicinity of the site could not provide the standard firefighting flow;
- (c) note the Director of Fire Services's comments that emergency vehicular access (EVA), fire hydrant and fire service installations would be required in accordance with the 'New Territories Exempted Houses – A Guide to Fire Safety Requirements' issued by Lands Department. Detailed fire safety requirements on EVA, fire hydrant and fire service installations would be formulated upon the receipt of formal application referred by DLO/YL;
- (d) note the Director of Electrical and Mechanical Services's comments that

based on the information provided by CLP Power Hong Kong Limited (CLPP), there were low voltage overhead lines within the site. In this regard, the “Code of Practice on Working near Electricity Supply Lines” established under the Electricity Supply Lines (Protection) Regulation should be observed by the applicant and his contractors when carrying out works in the vicinity of electricity supply lines; and prior to establishing any structure within the site, the applicant and his contractors should liaise with CLPP to divert the existing low voltage overhead lines away from the vicinity of the proposed development; and

- (e) note the Chief Building Surveyor/New Territories West, Buildings Department’s comments that all non-exempted ancillary site formation and/or communal drainage works were subject to compliance with the Buildings Ordinance, and Authorised Person should be appointed for the site formation and communal drainage works above.

[Open Meeting (Presentation and Question Sessions Only)]

- (xiv) A/YL-TYST/347 Proposed Temporary Open Storage of Construction Materials and Recycled Materials including Metal, Paper and Plastic Goods for a Period of 3 Years in “Undetermined” and “Village Type Development” zones, Lot 1440A in DD 119, Shan Ha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-TYST/347)
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Presentation and Question Sessions

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

- (a) background to the application;

- (b) the proposed temporary open storage of construction materials and recycled materials;
- (c) departmental comments – the Director of Environmental Protection (DEP) did not support the application as there were sensitive receivers to the south, north and north-west of the site, and environmental nuisance was expected. The Assistant Commissioner for Transport/New Territories (AC for T/NT) requested the Committee to consider if the approval of the application would set an undesirable precedent for other similar applications in the surrounding areas. The District Lands Officer/Yuen Long advised that he had not received any Small House application for the site;
- (d) no public comment was received during the statutory publication period and no local objection/view was received by the District Officer; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application for reasons as detailed in paragraph 12.2 of the Paper. The application was generally in line with the Town Planning Board Guidelines No. 13D for Application for Open Storage and Port Back-up Uses in that the majority of the site fell within the “Undetermined” (“U”) zone (i.e. Category 1) areas with only a minor portion on the “Village Type Development” (“V”) zone (7.5%)(i.e. Category 4 areas). Favourable consideration would normally be given in Category 1 areas. Concerned Government departments and the public had no objection, except DEP. To address DEP's concern, approval conditions restricting the operation hours and forbidding workshop activities, and handling of electronic materials and used electrical appliances were suggested. The applicant should be advised to follow “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” to minimise possible environmental impacts.

130. Members had no question on the application.

Deliberation Session

131. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 2 years up to 23.3.2009, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no night-time operation between 7:00 p.m. and 7:00 a.m. was allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays was allowed on the site during the planning approval period;
- (c) no open storage at the north-western portion of the application site within the “Village Type Development” zone, as proposed by the applicant, should be carried out at any time during the planning approval period;
- (d) no electronic wastes and used electrical appliances were allowed to be stored on the site at any time during the planning approval period;
- (e) no repairing, dismantling and workshop activities should be carried out on the site at any time during the planning approval period;
- (f) no heavy vehicles, i.e. over 24 tonnes, as proposed by the applicant, were allowed for the operation of the site at any time during the planning approval period;
- (g) the implementation of the accepted landscape proposals within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 23.6.2007;
- (h) 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 23.6.2007;

- (i) in relation to (h) 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 23.9.2007;
- (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.

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

- (a) a shorter approval period of 2 years was granted and shorter compliance periods were imposed so as to monitor the situation of the site and 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 no structures were allowed to be erected without prior approval from his office. The applicant should apply for a Short Term Waiver from his office if structures were intended on the application site;
- (d) 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 Shan Ha 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 be consulted accordingly;

- (e) the Chief Highway Engineer/New Territories West, Highways Department's comments that his office did not maintain the vehicular access track from the site to Shan Ha Road;
- (f) follow the latest 'Code of Practice on Handling Environmental Aspects of Open Storage and Temporary Uses' issued by Environmental Protection Department; and
- (g) note the Chief Building Surveyor/New Territories West, Buildings Department's comments that all building works were subject to compliance with Buildings Ordinance. Authorised 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 unauthorised works in the future.

[Mr. Tony C.N. Kan and Ms. Anna S.Y. Kwong left the meeting temporarily at this point.]

[The Chairperson thanked Mr. Wilson Y.L. So, DPO/TMYL, and Mr. W.M. Lam, STP/TMYL, for their attendance to answer Members' enquiries. Messrs. So and Lam left the meeting at this point.]

133. There was a break of 10 minutes.

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

Sai Kung and Islands District

[Mr. Michael C.F. Chan, District Planning Officer/Sai Kung and Islands (DPO/SKIs), was invited to the meeting at this point.]

Agenda Item 7

[Open Meeting (Presentation and Question Sessions Only)]

Proposed Amendments to the

Approved Tai Mong Tsai and Tsam Chuk Wan Outline Zoning Plan (OZP) No. S/SK-TMT/2
(RNTPC Paper No. 2/07)

Presentation and Question Sessions

134. Mr. Michael C.F. Chan, DPO/SKIs, presented the proposed amendments to the OZP as detailed in the Paper and highlighted the following points :

- (a) On 15.9.2006, the Committee rejected a planning application (No. A/SK-TMT/6) for a drug rehabilitation centre cum halfway house in the “Green Belt” (“GB”) zone in Pak Tam, Sai Kung. The site was located next to the Lady MacLehose Holiday Village and the Sai Kung West Country Park. The Committee considered that it was more appropriate to handle the case through a zoning amendment to the OZP to allow a due process for the public to make representation and be heard under the Town Planning Ordinance. The currently proposed amendment was to rezone the site to “Government, Institution or Community(1)” (“G/IC(1)”). To control the scale of development, a maximum plot ratio of 0.7, a maximum site coverage of 25% and a maximum building height of 3 storeys was proposed. The restrictions were based on the said application. A set of Schedule of Uses had been prepared for the “G/IC(1)” zone;

[Ms. Anna S.Y. Kwong returned to join the meeting at this point.]

- (b) the views of concerned Government departments were basically the same as those given on the planning application;
- (c) the District Officer/Sai Kung anticipated that the expatriate community and green groups in Sai Kung might have some adverse comments as the proposed rezoning would involve substantial tree felling and affect the landscape character of the area;
- (d) opportunity was also taken to incorporate the amendment to the definition of “existing building” in the covering Notes of the OZP and refinements to the Remarks for the “GB”, “Conservation Area”, “Coastal Protection Area” and “Coastal Protection Area (1)” zones in accordance with the revised Master Schedule of Notes to Statutory Plans; and
- (e) the Sai Kung District Council and Sai Kung Rural Committee would be consulted before the exhibition of the amendments to the OZP.

Deliberation Session

135. After deliberation, the Committee decided to :

- (a) agree to the proposed amendments to the approved Tai Mong Tsai and Tsam Chuk Wan Outline Zoning Plan No. S/SK-TMT/2 as described in paragraphs 3 and 4 of the Paper and that the Amendment Plan No. S/SK-TMT/2A at Annex B (to be renumbered to S/SK-TMT/3 upon gazetting) and the Notes of the Amendment Plan at Annex D were suitable for exhibition for public inspection under section 5 of the Ordinance;
- (b) adopt the updated Explanatory Statement (ES) at Annex E as an expression of the planning intention and objectives of the Board for various land use zones on the Amendment Plan No. S/SK-TMT/2A and be issued under the name of the Board; and

Any Other Business

138. There being no other business, the meeting was closed at 4:45 p.m..