

TOWN PLANNING BOARD

Minutes of 374th Meeting of the Rural and New Town Planning Committee held at 2:30 p.m. on 20.6.2008

Present

Director of Planning
Mrs. Ava S.Y. Ng

Chairperson

Mr. Alfred Donald Yap

Vice-chairman

Mr. Tony C.N. Kan

Mr. Edmund K.H. Leung

Dr. C.N. Ng

Mr. B.W. Chan

Mr. Y.K. Cheng

Ms. Anna S.Y. Kwong

Professor Paul K.S. Lam

Professor Edwin H.W. Chan

Chief Traffic Engineer/New Territories East,
Transport Department
Mr. Ambrose Cheong

Assistant Director (Environmental Assessment),
Environmental Protection Department
Mr. C.W. Tse

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

Secretary

Absent with Apologies

Mr. David W.M. Chan

Professor David Dudgeon

Ms. Maggie M.K. Chan

Dr. James C.W. Lau

Mr. Rock C.N. Chen

Mr. Timothy K.W. Ma

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

Assistant Director/New Territories, Lands Department
Mr. Chris Mills

In Attendance

Assistant Director of Planning/Board
Mr. Lau Sing

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

Town Planner/Town Planning Board
Mr. Simon C.K. Cheung

Agenda Item 1

Confirmation of the Draft Minutes of the 373rd RNTPC Meeting held on 6.6.2008

[Open Meeting]

1. The draft minutes of the 373rd RNTPC meeting held on 6.6.2008 were confirmed without amendments.

Agenda Item 2

Matters Arising

[Open Meeting]

2. The Secretary reported that there were no matters arising.

Sai Kung and Islands District

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

Agenda Item 3

[Open Meeting (Presentation and Question Sessions Only)]

Review of the Boundaries of the “Conservation Area” and
“Village Type Development” zones of Shan Liu Village
on the Approved Pak Kong and Sha Kok Mei Outline Zoning Plan No. S/SK-PK/11
(RNTPC Paper No. 12/08)

Presentation and Question Sessions

3. With the aid of powerpoint presentation, Ms. Ann O.Y. Wong, STP/SKIs, presented the findings of the review as detailed in the Paper :

- (a) background to the review as detailed in paragraph 2 of the Paper. On 9.3.2007, the Committee rejected an application (No. Y/SK-PK/1) to rezone Lot 508 s.A in D.D. 216 (the Site) from “Conservation Area” (“CA”) to “Village Type Development” (“V”) to facilitate the development of one New Territories Exempted House. Nevertheless, the Committee agreed that Planning Department should review the boundaries of the “CA” and “V” zones within Shan Liu Village taking into account the conservation value of the land concerned;

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

- (b) planning assessment of the review as detailed in paragraph 3 of the Paper. Factors such as topography, vegetation, the boundaries of the village ‘environs’ (‘VE’), the Small House demand and supply situation had been taken into account to re-examine the appropriateness of the current zonings;

Topography and Vegetation

- (i) Shan Liu Village was surrounded by dense vegetation and woodland, which formed an integral part of the valuable landscape area in Sai Kung. Therefore, further extension of the village area should give due regards to the dense vegetation and woodland;

Boundaries of the “VE” and “V” Zones

- (ii) the ‘VE’ of Shan Liu Village was about 5.8 ha. On the Pak Kong Interim Development Permission Area Plan No. IDPA/SK-SKM/1 gazetted on 12.10.1990, about 1 ha of land at the central portion of the ‘VE’ comprising existing village houses was zoned “V” with its surrounding areas zoned “Unspecified Use”. The “Unspecified Use” was subsequently rezoned to “Green Belt” on the draft Pak Kong Development Permission Area Plan No. DPA/SK-SKM/1 gazetted on 12.7.1991;

- (iii) a comprehensive land use review of the area was subsequently conducted. Taking into account the findings of the review, the area of the “V” zone was increased to about 1.7ha on the draft Pak Kong and Sha Kok Mei Outline Zoning Plan (OZP) No. S/SK-PK/1. Moreover, the remaining area of the ‘VE’ and the adjoining areas surrounding Shan Liu Village was rezoned from “Green Belt” to “CA”. On 1.7.1994, the OZP was gazetted. During the exhibition period of the OZP, no objection to the “V” and “CA” zones was received. Since then, the boundaries of these two zones remained intact;

Demand and Supply of Small House

- (iv) according to the District Lands Officer/Sai Kung (DLO/SK), the outstanding Small House applications and the 10-year Small House demand forecast of the Village, as at January 2008, were 0 and 40 respectively;
- (v) it was estimated that about 0.93 ha of land within the “V” zone was still available for Small House developments. Based on an indicative layout, 46 possible Small House sites could be accommodated which was sufficient to meet the Small House demand of Shan Liu Village for the next 10 years;

Review of the “V” zone boundary

- (vi) having regard to the take-up rate of buildable land within Shan Liu Village which was about 0.65 Small House site per annum and there was sufficient land within the “V” zone to cater for Small House demand for the next 10 years, there were no strong justifications to extend the “V” zone at this juncture; and

Review of the “CA” zone boundary

(vii) trees and vegetated areas surrounding Shan Liu Village formed an integral part of the valuable landscape setting which was very much part of the broader conservation area. Agriculture, Fisheries and Conservation Department (AFCD) confirmed that even though the Site had been disturbed, the areas around Shan Liu Village was still well vegetated and the existing “CA” zoning for the general areas adjacent and around Shan Liu Village was still valid. Given that sufficient land was still available within the “V” zone of Shan Liu Village, it was considered that amendment to the boundaries of the “CA” zone would not be necessary.

- (c) previous rezoning application as detailed in paragraph 4 of the Paper;
- (d) the planning assessment and the findings of the review were circulated to concerned Government departments for comments on 30.4.2008. No major adverse comments were received; and
- (e) recommendation of the review – (i) no amendment to the boundary of the “V” zone of Shan Liu Village was necessary as sufficient land was still available within the existing “V” zone to meet the Small House demand for the next 10 years; and (ii) no amendments to the boundary of the “CA” zone of Shan Liu Village was necessary as the “CA” zone adjoining and surrounding Shan Liu Village was still valid and the “CA” zoning was considered appropriate to protect the landscape setting of the area.

4. Members and the Chairperson raised the following questions :

- (a) any structure was erected on Lot 508 s.A and RP in the past and the current use of the Lots;
- (b) whether the review had taken into account the difficulty of acquiring private land within the “V” zone for Small House development as the land

were mostly owned by ‘Tso Tong’; and

- (c) whether there were land, apart from ‘Tso Tong’ land, within the “V” zone of Shan Liu Village available for Small House development.

5. Ms. Ann O.Y. Wong had the following responses :

- (a) there was no structure found on Lot 508 s.A and only a few dilapidated structures were found on Lot 508 RP. The Lots were used for agricultural purpose under the Block Government Lease;
- (b) the difficulty of acquiring private land for Small House development had been taken into account in the review. About 38% of land in the “V” zone of Shan Liu Village were owned by ‘Tso Tong’. As advised by the Lands Department, ‘Tso Tong’ land could be allowed for sale and some ‘Tso Tong’ might carve out their land to the descendants for Small House development. In this regard, the use of ‘Tso Tong’ land for Small House development would have to be worked out between ‘Tso Tong’ and the local villagers. Land status would not be a key consideration from planning point of view; and
- (c) apart from ‘Tso Tong’ land, there were other private lots and Government land within the “V” zone of Shan Liu Village available for Small House development. Nevertheless, whether such land could be acquired by the applicant and at what price was a matter between the landowner and the villagers intended to build houses.

Deliberation Session

6. In response to the Chairperson’s enquiry on the quality of land under the “CA” zone, Ms. Ann O.Y. Wong said that as advised by AFCD, as the areas around Shan Liu Village was still well vegetated, the existing “CA” zoning for the general areas adjacent and around Shan Liu Village was still valid.

7. A Member was of the view that there should be a reasonable balance between Small House development and conservation. Another Member opined that applications for Small House development should be considered in accordance with the established practice of the Town Planning Board as set out in the interim criteria for assessing planning application for NTEH/Small House development in the New Territories.

8. The Chairperson pointed out that there was established practice of the Town Planning Board in considering applications for Small House development. The previous application (No. Y/SK-PK/1) was rejected for not meeting the interim criteria. The Chairperson considered that similarly, there was no sufficient justifications to extend the “V” zone due to the implications of setting a precedent for other similar applications. Furthermore, the site degradation and vegetation clearance within the “CA” zone without prior approval of the Town Planning Board could hardly be a reason to allow change of zoning boundaries.

9. After deliberation, the Committee :

- (a) noted the planning assessment as detailed in paragraph 3 of the Paper; and
- (b) endorsed the recommendation as stated in paragraph 6 of the Paper, i.e. to retain the existing boundaries of the “Conservation Area” zone and “Village Type Development” zone of Shan Liu Village.

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

Agenda Item 4

Section 16 Applications

[Open Meeting (Presentation and Question Sessions Only)]

- (i) A/I-CC/5 Proposed Restaurant (2 storeys)
in “Village Type Development” zone,
Lot 749 in DD Cheung Chau, Cheung Chau
(RNTPC Paper No. A/I-CC/5)
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Presentation and Question Sessions

10. With the aid of powerpoint presentation, Ms. Maggie M.Y. Chin, STP/SKIs, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed restaurant (2 storeys);
- (c) departmental comments – concerned Government departments had no objection to the application;
- (d) no public comment was received during the statutory publication period and no local objection was received from the District Officer; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessment made in paragraph 11 of the Paper.

11. Members had no question on the application.

Deliberation Session

12. Mr. Ambrose Cheong referred Members to Transport Department's comments as stated in paragraph 9.1.3 of the Paper, and said that the roads fronting the application site i.e. San Hing Praya Street and Tung Wan Road had been planned as emergency vehicles accesses (EVAs). He suggested that an advisory clause be added to alert the applicant of such intention. Ms. Maggie M.Y. Chin supplemented that relevant requirements to avoid obstructions of the EVAs would be dealt with at the building plan and lease modification stages, and unauthorized use of the EVAs could be enforced under the lease. Members agreed to Mr. Ambrose Cheong's suggestion.

13. 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 20.6.2012, and after the said date, the permission should cease to have

effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the condition that the submission of fire service installations and fire fighting water supplies to the satisfaction of Director of Fire Services or of the TPB.

14. The Committee also agreed to advise the applicant :

- (a) to note the Assistant Commissioner for Transport/New Territories, Transport Department's comments in paragraph 9.1.3 of the Paper that the roads fronting the site, i.e. San Hing Praya Street and Tung Wan Road had been planned as emergency vehicles accesses;
- (b) to seek District Lands Officer/Islands' acceptance of the surveyed site boundary;
- (c) to apply to District Lands Officer/Islands with details of redevelopment proposal for the proposed development;
- (d) to note that the proposed development should make proper sewer connection to the public sewerage system for discharging the wastewater generated from the site;
- (e) to note that the provision of fire service installations should be in accordance with paragraph 4.14 of the Paper "Commercial Buildings – Low Rise" of the latest version of the Codes of Practice for Minimum Fire Service Installations (FSIs) and Equipment. The requirements of major FSIs might include a sprinkler system to cover all parts of the building including staircases, common corridors and toilets; and
- (f) to note that the arrangement on emergency vehicular access should comply with Part VI of the Code of Practice for Means of Access for Firefighting and Rescue which was administered by Buildings Department.

[Open Meeting (Presentation and Question Sessions Only)]

- (ii) A/SK-HC/162 Proposed House (New Territories Exempted House (NTEH) – Small House)
in “Agriculture” zone,
Lots 373C in DD 244, Ho Chung, Sai Kung
(RNTPC Paper No. A/SK-HC/162)
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Presentation and Question Sessions

15. With the aid of powerpoint presentation, Ms. Ann O.Y. Wong, STP/SKIs, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed House (New Territories Exempted House (NTEH) - Small House);
- (c) departmental comments – Agriculture, Fisheries and Conservation Department (AFCD) was not in favour of the application since the area was one of the major good quality agricultural lands. Other concerned Government departments, including Transport Department and Fire Services Department (FSD), had no objection to the application;
- (d) one public comment was received during the statutory publication period, raising concern on the provision of emergency vehicular access (EVA); and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessment made in paragraph 11 of the Paper. Although AFCD was not in favour of the application, there was no farming activities in the area, and the site and its surrounding area were not under active cultivation. Furthermore, the proposed Small House was compatible with the surrounding rural and village environment, with existing village houses found within 65m of the application site.

Regarding the local concern on the provision of EVA, FSD had no objection to the application.

16. Members had no question on the application.

Deliberation Session

17. The Chairperson indicated that similar applications for Small House development in the vicinity of the application site were previously approved.

18. 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 20.6.2012, 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 of archaeological survey before the commencement of any construction works to the satisfaction of Director of Leisure and Cultural Services or of the TPB;
- (b) the provision of fire fighting access, water supplies and fire service installations to the satisfaction of Director of Fire Services or of the TPB; and
- (c) the submission and implementation of landscape proposal to the satisfaction of Director of Planning or of the TPB.

19. The Committee also agreed to advise the applicant to note the comments of the Director of Water Supplies that the applicant might need to extend the inside services to the nearest suitable government water mains for connection. The applicant should resolve any land matter associated with the provision of water supply and should be responsible for the construction, operation and maintenance of the inside services within the private lots to Water Supplies Department's standards.

[Open Meeting (Presentation and Question Sessions Only)]

- (iii) A/SK-TMT/19 Renewal of Planning Approval for Temporary Use -
Place of Recreation, Sports or Culture
(Recreational Fishing Only)
in “Coastal Protection Area (1)” zone,
Government Land in DD 257,
Tsam Chuk Wan, Sai Kung
(RNTPC Paper No. A/SK-TMT/19)
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Presentation and Question Sessions

20. With the aid of powerpoint presentation, Ms. Ann O.Y. Wong, STP/SKIs, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the renewal of planning approval for temporary use - place of recreation, sports or culture (recreational fishing only) under Application No. A/SK-TMT/4 for a period of 3 years until 20.6.2011;
- (c) departmental comments – concerned Government departments had no objection to the application;
- (d) four public comments were received during the statutory publication period, raising concerns on the adverse traffic and parking impacts on the areas, possible increase in smuggling activities, conversion of Government land for private use and non-compliance of approval conditions regarding the operation hours of the temporary use. The District Officer/Sai Kung advised that although no local objection was received relating to the application, it was envisaged that some local residents would be rather concerned about the environmental and noise nuisances associated with the development; and

[Ms. Anna S.Y. Kwong left the meeting temporarily at this point.]

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessment made in paragraph 10 of the Paper. There was no material change in planning circumstances since the previous temporary approval (No. A/SK-TMT/4) was granted or a change in the land uses on the surrounding areas. The renewal of the planning approval would not frustrate the long term planning intention of the “Coastal Protection Area (1)” zone as the existing fish ponds would be retained and managed for recreational fishing. Regarding the local concerns, concerned Government departments, including Environmental Protection Department, had been consulted and no adverse comments were received. In particular, Transport Department considered that there was sufficient parking spaces including loading/unloading space to serve the development and therefore no traffic or parking problems were envisaged. The Commissioner of Police had no comment on the application and pointed out that though there were eight smuggling activities reported in the area, they were not related to the operation of the applied use. He also confirmed that no illegal parking related to the recreational fishing ground was reported.

21. Members had no question on the application.

Deliberation Session

22. The Chairperson remarked that the current application was a renewal of previous temporary planning approval, and the approval would be subject to relevant approval conditions which would address some of the concerns raised in the public comments.

23. In response to a Member's enquiry, Ms. Ann O.Y. Wong said that in view of the strong local views and to address some of the local concerns on the environmental and noise nuisances associated with the development, approval conditions restricting operation hours and areas allowing for fishing activities were recommended. Should the Committee decided to approve the application with conditions, non-compliance of the conditions would result in revocation of the planning permission and continuation of the development without planning

permission would be subject to rigorous planning enforcement action by the Planning Authority.

24. After further deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years up to 24.6.2011, 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 9:00 a.m. was allowed on the application site during the planning approval period;
- (b) the fishing activities should be restricted to the existing bunds along the eastern side of the large fishpond and the northern sides of the two small fishponds;
- (c) the submission of tree preservation proposal within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 20.9.2008;
- (d) in relation to (c) above, the implementation of the approved 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 20.12.2008;
- (e) if any of the above planning conditions (a) or (b) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice; and
- (f) if any of the above planning conditions (c) or (d) 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.

25. The Committee also agreed to advise the applicant :

- (a) to apply to the District Lands Officer/Sai Kung for a short term tenancy for

the recreational fishing development; and

- (b) to note the District Officer/Sai Kung's comments with a view to addressing the local concerns and minimize possible nuisances related to the recreational fishing use.

Agenda Item 5

Section 16A Application

[Open Meeting (Presentation and Question Sessions Only)]

A/TKO/68-3 Extension of Time for Compliance with Approval Condition –
Comprehensive Commercial and Residential Development
in “Comprehensive Development Area” zone,
Area 86, Tseung Kwan O
(RNTPC Paper No. A/TKO/68-3)

26. As the application was submitted by Mass Transit Railway Corporation Ltd. (MTRCL), Mr. Ambrose Cheong, being an alternate member for the Deputy Secretary for Transport and Housing (Transport)¹ who was a member of the Board of MTRCL, should declare an interest in this item. Nevertheless, the applicant had requested to defer consideration of the application and Mr. Cheong could be allowed to stay at the meeting.

Presentation and Question Sessions

27. The Committee noted that on 6.6.2008, the applicant requested for deferment of the consideration of the application to allow time to prepare and submit further information and possible amended scheme to address the concerns raised by Leisure and Cultural Services Department and the Secretary for Education.

Deliberation Session

28. After deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending further information from the applicant. The

- (b) the proposed public utility installation (electricity package transformer);
- (c) departmental comments – concerned Government departments had no objection to the application;

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

- (d) one public comment indicating no comment was received during the statutory publication period. The District Officer/North advised that a member of the North District Council supported the application; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessment made in paragraph 10 of the Paper.

[Professor Edwin H.W. Chan left the meeting temporarily at this point.]

30. Members had no question on the application.

Deliberation Session

31. The Chairperson remarked that approval conditions relating to the submission and implementation of landscaping proposals were proposed to improve the landscape quality in the application site and to match with the “Open Space” zoning of the area.

32. 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 20.6.2012, 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) submission and implementation of landscaping proposals to the satisfaction of the Director of Planning or of the TPB;

- (b) design and provision of water supplies for fire fighting and fire service installations proposals to the satisfaction of the Director of Fire Services or of the TPB; and
- (c) the submission of construction plans showing the alignment of underground cables and development programme to the satisfaction of the Director of Civil Engineering and Development or of the TPB.

33. The Committee also agreed to advise the applicant :

- (a) to note that Emergency Vehicular Access arrangement should comply with Part VI of the Code of Practice for Means of Access for Firefighting and Rescue administered by Buildings Department; and
- (b) to note the Chief Engineer/Development(2), Water Supplies Department's comments that :
 - (i) all spoils arising from site formation works should be contained and protected to prevent all nearby watercourse from being polluted or silting up;
 - (ii) the applicant should comply with the latest effluent discharge requirements stipulated in the Water Pollution Control Ordinance; and
 - (iii) storage and discharge of toxicant, flammable or toxic solvents, petroleum oil or tar or any other toxic substances were prohibited.

[Professor Edwin H.W. Chan returned to join the meeting at this point.]

[Open Meeting (Presentation and Question Sessions Only)]

- (ii) A/NE-LT/381 Proposed House (New Territories Exempted Houses (NTEH) – Small House)
in “Village Type Development” and “Agriculture” zones,
Lot 136RP in DD 18,
Tai Om Village, Lam Tsuen, Tai Po
(RNTPC Paper No. A/NE-LT/381)
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Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed House (New Territories Exempted House (NTEH) - Small House);
- (c) departmental comments – Agriculture, Fisheries and Conservation Department (AFCD) did not support the application from agricultural development point of view. Other concerned Government departments had no objection to the application;
- (d) no public comment was received during the statutory publication period and no local objection was received from the District Officer; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessment made in paragraph 11 of the Paper. Regarding AFCD’s concern, the application site was located entirely within the village ‘Environs’ of Tai Om and Ping Long Villages and no local objection was received.

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

35. Members had no question on the application.

Deliberation Session

36. The Chairperson remarked that the proposed Small House development complied with the interim criteria for assessing planning application for NTEH/Small House development in the New Territories.

37. 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 20.6.2012, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

- (a) the submission and implementation of landscape proposal to the satisfaction of the Director of Planning or of the TPB;
- (b) the provision of fire fighting access, water supplies and fire service installations to the satisfaction of the Director of Fire Services or of the TPB;
- (c) the submission and implementation of drainage facilities to the satisfaction of the Director of Drainage Services or of the TPB;
- (d) the connection of the foul water drainage system to the public sewers to the satisfaction of the Director of Water Supplies or of the TPB;
- (e) the provision of protective measures to ensure no pollution or siltation occurred to the water gathering grounds to the satisfaction of the Director of Water Supplies or of the TPB; and
- (f) the removal of the 11kV pole erected at the boundary of the site and the 11kV overhead line running across the site to the satisfaction of the Director of Electrical and Mechanical Services or of TPB.

38. The Committee also agreed to advise the applicant :

- (a) to note that the actual construction of the proposed Small Houses should only begin after the completion of the public sewerage network;
- (b) to note that adequate space should be provided for the proposed Small Houses to be connected to the public sewerage network;
- (c) to note that the site was in an area where no public sewerage connection was available;
- (d) to note that as the proposed development was located at a level lower than Tai Om Road, the applicant was advised to raise his lot platform in order to connect the proposed development to the planned sewerage system at Tai Om Road; and
- (e) 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 applicants 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)]

- (iii) A/NE-LYT/377 Proposed Four Houses (New Territories Exempted Houses (NTEHs) – Small Houses)
in “Agriculture” zone,
Lots 1584A, 1584B, 1584C and 1584D in DD 83,
Wing Ning Tsuen, Lung Yeuk Tau, Fanling
(RNTPC Paper No. A/NE-LYT/377)
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Presentation and Question Sessions

39. 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 four Houses (New Territories Exempted Houses (NTEHs)- Small Houses);
- (c) departmental comments – Agriculture, Fisheries and Conservation Department did not support the application from agricultural development point of view. Transport Department had reservation on the application mainly on traffic grounds. Other concerned Government departments had no objection to the application;
- (d) one public comment indicating no comment was received during the statutory publication period. The District Officer/North advised that the Indigenous Inhabitants Representative of Lung Yeuk Tau objected to the application as there was no supporting infrastructure and proposed Houses were not for the applicants' own use; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessment made in paragraph 11 of the Paper. Although there were concerns on transport and agricultural development grounds and a local objection, it should be noted that a total of 21 similar applications for NTEHs were previously approved in the vicinity of the application sites. Sympathetic consideration could be given to the application as other concerned Government departments had no objection to the application.

40. Members had no question on the application.

Deliberation Session

41. The Chairperson indicated that similar applications for Small House development in the vicinity of the application site were previously approved.

42. 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 20.6.2012, 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 firefighting access, water supplies for fire fighting and fire service installations to the satisfaction of the Director of Fire Services or of the TPB;
- (b) the submission and implementation of drainage proposals to the satisfaction of the Director of Drainage Services or of the TPB; and
- (c) the submission and implementation of landscaping proposals to the satisfaction of the Director of Planning or of the TPB.

43. The Committee also agreed to advise the applicant :

- (a) to note the Chief Engineer/Development(2), Water Supplies Department (WSD)'s comments :
 - (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) to note that water mains in the vicinity of the application site could

not provide the standard fire-fighting flow;

- (iii) to note that the application site was located within the flood pumping catchment area associated with River Indus and River Ganges pumping stations; and
- (b) to note that the permissions were only given to the development under application. If provision of an access road was required for the proposed developments, 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)]

- (iv) A/NE-LYT/378 Proposed Two Houses (New Territories Exempted Houses (NTEHs) – Small Houses) in “Agriculture” zone, Lots 1783A and 1783B in DD 76, Ma Mei Ha Leng Tsui, Fanling (RNTPC Paper No. A/NE-LYT/378)
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Presentation and Question Sessions

44. Ms. Stephanie P.H. Lai, STP/STN, drew Members’ attention to the replacement page tabled at the meeting. She then presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed two Houses (New Territories Exempted Houses (NTEHs)- Small Houses);
- (c) departmental comments – Agriculture, Fisheries and Conservation

Department did not support the application from agricultural development point of view. Transport Department had reservation on the application mainly on traffic grounds. Other concerned Government departments had no objection to the application;

- (d) one public comment indicating no comment was received during the statutory publication period. The District Officer/North advised that the Indigenous Inhabitants Representative of Ma Mei Ha Leng Tsui objected to the application on grounds of flooding and environmental impact arising from the site formation of the proposed houses, and road congestion problem; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessment made in paragraph 11 of the Paper. Although there were reservations on transport and agricultural development grounds and a local objection, it should be noted that a total of eight similar applications for NETHs were previously approved in the vicinity of the application sites. Sympathetic consideration could be given to the application as other concerned Government departments had no objection to the applications.

45. Members had no question on the application.

Deliberation Session

46. The Chairperson indicated that similar applications for Small House development in the vicinity of the application site were previously approved.

47. 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 20.6.2012, 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 firefighting access, water supplies for fire fighting and fire service installations to the satisfaction of the Director of Fire Services or of the TPB;
- (b) the submission and implementation of drainage proposals to the satisfaction of the Director of Drainage Services or of the TPB; and
- (c) the submission and implementation of landscaping proposals to the satisfaction of the Director of Planning or of the TPB.

48. The Committee also agreed to advise the applicant :

- (a) to note the Chief Engineer/Development(2), Water Supplies Department (WSD)'s comments :
 - (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) to note that water mains in the vicinity of the application site could not provide the standard fire-fighting flow;
 - (iii) to note that the application site was located within the flood pumping catchment area associated with River Indus and River Ganges pumping stations; and
- (b) to note that the permissions were only given to the development under application. If provision of an access road was required for the proposed developments, 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

The proposed development was not in line with the planning intention of the “Agriculture” zone in Ta Kwu Ling area. The application did not comply with the Town Planning Board Guidelines for ‘Application for Open Storage and Port Back-up Uses’. There was insufficient information in the submission to demonstrate that the proposed use would not generate adverse landscape impact on the surrounding areas.

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

50. Members had no question on the application.

Deliberation Session

51. The Chairperson remarked that apart from insufficient technical information submitted by the applicant to support the application, there was also no information in the submission to support why the proposed open storage of animal food could not be accommodated in conventional industrial buildings.

52. 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 “Agriculture” zone in the Ta Kwu Ling area which was primarily to retain and safeguard good agricultural land/farm/fish ponds for agricultural purposes. It 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, even on a temporary basis;
- (b) the application did not comply with the Town Planning Board Guidelines for ‘Application for Open Storage and Port Back-up Uses’ in that no previous planning approval had been granted to the application site and there were adverse departmental comments and local objection to the application; and

- (c) there was insufficient information in the submission to demonstrate that the proposed use would not generate adverse landscape impact on the surrounding areas.

[Open Meeting (Presentation and Question Sessions Only)]

- (vi) A/NE-TKL/310 Proposed Temporary Open Storage of Construction Materials and Equipment for a Period of 3 Years in “Agriculture” zone, Lots 1056, 1057(Part), 1060(Part), 1061, 1062(Part), 1064(Part), 1065, 1066, 1086, 1098, 1100A(Part) and B(Part), 1101, 1102, 1105, 1106, 1118-1122, 1131RP, 1132(Part) and 1133RP(Part) in DD 77 and Adjoining Government Land, Ping Che, Ta Kwu Ling (RNTPC Paper No. A/NE-TKL/310)
-

Presentation and Question Sessions

53. 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 open storage of construction materials and equipment for a period of 3 years;
- (c) departmental comments – Agriculture, Fisheries and Conservation Department did not support the application from agricultural development point of view. Drainage Services Department objected to application as no drainage impact assessment was submitted by the applicant. Environmental Protection Department did not support the application as there were sensitive uses in the vicinity of the application site and

environmental nuisance was expected. The Chief Town Planner/Urban Design and Landscape, Planning Department objected to the application from the landscape perspective;

- (d) four public comments were received during the statutory publication period, raising objection to the application on grounds of environmental, drainage, ecological and landscape impacts to the area and safety hazard to the villagers; and
- (e) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessment made in paragraph 12 of the Paper. The proposed development was not in line with the planning intention of the “Agriculture” zone in the Ta Kwu Ling area. The application did not comply with the Town Planning Board Guidelines for ‘Application for Open Storage and Port Back-up Uses’. There was insufficient information in the submission to demonstrate that the proposed use would not generate adverse environmental, drainage and landscape impacts on the surrounding areas.

54. Members had no question on the application.

Deliberation Session

55. The Chairperson indicated that apart from adverse departmental comments, there were objections to the application.

56. 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 “Agriculture” zone in the Ta Kwu Ling area which was primarily to retain and safeguard good agricultural land/farm/fish ponds for agricultural purposes. It 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, even on a temporary basis;

- (b) the application did not comply with the Town Planning Board Guidelines for ‘Application for Open Storage and Port Back-up Uses’ in that no previous planning approval had been granted to the application site and there were adverse departmental comments and local objection to the application; and
- (c) there was insufficient information in the submission to demonstrate that the proposed use would not generate adverse environmental, drainage and landscape impacts on the surrounding areas.

[Open Meeting (Presentation and Question Sessions Only)]

- (vii) A/ST/668 Temporary Shop and Services (Estate Agency)
for a Period of 3 Years
in “Industrial” zone,
Workshop J(Part), G/F, Universal Industrial Centre,
19-25 Shan Mei Street, Sha Tin
(RNTPC Paper No. A/ST/668)
-

57. The Committee noted that Mr. Tony C.N. Kan had declared an interest on this item as he had current business dealings with Midland Realty (Holdings) Ltd., which was the current tenant of the application premises.

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

Presentation and Question Sessions

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

- (a) background to the application;

- (b) the temporary shop and services (estate agency) for a period of 3 years;
- (c) departmental comments – concerned Government departments had no objection to the application;
- (d) no public comment was received during the statutory publication period and no local objection was received from the District Officer; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessment made in paragraph 12 of the Paper. It should be noted that the approval condition(s) on fire safety measures for the subject premises imposed under the two previous approved applications (Nos. A/ST/609 and A/ST/664) had not been complied with. In this regard, it was recommended that if the subject application was approved, shorter compliance periods should be imposed in order to monitor the submission and implementation of fire safety measures for the application premises.

59. Members had no question on the application.

Deliberation Session

60. The Chairperson indicated that similar applications for such use in other industrial buildings were previously approved, and Fire Services Department had no objection to the application.

61. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years up to 20.6.2011, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) the submission of the fire safety measures within 3 months from the date of approval to the satisfaction of the Director of Fire Services or of the TPB by 20.9.2008;

- (b) the implementation of the fire safety measures within 6 months from the date of approval to the satisfaction of the Director of Fire Services or of the TPB by 20.12.2008; and
- (c) if the above planning conditions (a) or (b) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice.

62. The Committee also agreed to advise the applicant :

- (a) that shorter compliance periods were imposed to monitor the submission and implementation of the fire safety measures for the application premises;
- (b) to note the Chief Building Surveyor/New Territories East, Buildings Department's comment that some unauthorized building works had been carried out at the application premises which might be subject to enforcement actions under the Buildings Ordinance; and
- (c) to refer to the 'Guidance Note on Compliance with Planning Condition on Provision of Fire Safety Measures for Commercial Uses in Industrial Premises', which was promulgated by the TPB in September 2007, for the information on the steps required to be followed in order to comply with the approval condition on the provision of fire service installations.

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

[Open Meeting (Presentation and Question Sessions Only)]

- (ix) A/TP/397 Proposed Four Houses and
Minor Relaxation of Building Height Restriction
in “Village Type Development” zone,
Lots 1217A2RP, 1217A3RP, 1217CRP, 1217C1(Part),
1217C2, 1217DRP, 1217D1, 1217E, 1217F, 1217G,
1217G1, 1217G2, 1217H, 1217IRP, 1217I1, 1217JRP,
1217MRP, 1217M1(Part), 1217M2, 1217M3, 1217M6,
1217O, 1217P, 1217Q, 1217R, 1217T, 1217W, 1217X
and 1668 in DD 11 and Adjoining Government Land,
Nam Hang, Tai Po
(RNTPC Paper No. A/TP/397)
-

Presentation and Question Sessions

66. The Committee noted that on 17.6.2008, the applicant requested for deferment of the consideration of the application by one month to allow time to prepare further information to address the departmental comments.

Deliberation Session

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

Agenda Item 7

Section 16A Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-KTS/228-5 Proposed Houses (Amendments to Approved Scheme)
in “Residential (Group C)2”, “Government, Institution or Community”,
“Open Space”, “Green Belt”, “Agriculture” and ‘Road’ zones,
Lots 2242, 674B1, 674B2, 674BRP, 685D in DD 95
and Adjoining Government Land, Kwu Tong South, Sheung Shui
(RNTPC Paper No. A/NE-KTS/228-5)

68. The application was submitted by a subsidiary of Sun Hung Kai Properties Ltd. (SHK). The Committee noted that Messrs. Alfred Donald Yap and Y.K. Cheng had declared interests in this item as they had current business dealings with SHK.

[Messrs. Alfred Donald Yap and Y.K. Cheng left the meeting temporarily at this point.]

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed Houses (Amendments to Approved Scheme);
- (c) departmental comments – concerned Government departments had no objection to the application;
- (d) the District Officer/North advised that the Residents’ Representative of Kwu Tung (South) and two villagers of Kwu Tung (South) objected to the application on grounds of blockage to access used by the villagers for over 75 years, villagers’ safety and impact on an adjacent historical monument; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessment made in paragraph 9 of the Paper. As

compared with the latest approved scheme (Application No. A/NE-KTS/228-4), the amendments in the current scheme involved a decrease in number of houses, a slight increase in average flats size and a reduction in car parking spaces. As compared with the original scheme (Application No. A/NE-KTS/228), the site area in the current scheme was slightly increased. There were no changes in the major development parameters, including plot ratio, site coverage and number of storeys. The amendments were considered minor in nature and had not significantly changed the overall layout of the development. Regarding the local concerns, the access reprovisioning arrangement to the local villagers was not related to the proposed amendments to the approved scheme. The 'historic monument' was a shrine established by the residents of Kwu Tung South and fell outside the application site. To respond to the villagers' concerns, the applicant should be advised to continue to brief and liaise with the local villagers regarding the proposed development. Furthermore, Environmental Protection Department's concerns on traffic noise impacts would be addressed by implementing appropriate mitigation measures required under the lease conditions.

70. Members had no question on the application.

Deliberation Session

71. The Chairperson pointed out that the application was related to a minor amendments to the previously approved scheme.

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 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 implementation of the approved tree preservation and landscape 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 sewerage 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 water supplies for firefighting 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.

73. The Committee also agreed to advise the applicant :

- (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 the application site was located within the flood pumping catchment area associated with River Indus and River Ganges pumping stations;

- (c) to note the comments from the Chief Building Surveyor/New Territories West, Buildings Department that :
 - (i) the proposed roundabout 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; and
 - (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 note the comments from the Director of Environmental Protection that more houses under the current proposed scheme were located closer along the heavily trafficked Fanling Highway which would be subject to excessive traffic noise impacts when compared to the approved scheme. As such, more intensive mitigation measures (e.g. taller noise barrier of over 6m in height) might be required under the current proposed scheme;
- (e) to brief and liaise with the local villagers regarding the proposed development; and
- (f) to note the local objections in paragraph 8.1.10 of the Paper and to minimize nuisance to the local villagers during the construction stage.

[The Chairperson thanked Ms. Stephanie P.H. Lai, STP/STN, and Dr. Kenneth S.S. Tang, STP/STN, for their attendance to answer Members' enquiries. Ms. Lai and Dr. Tang left the

meeting at this point.]

[Messrs. Alfred Donald Yap and Y.K. Cheng returned to join the meeting at this point.]

Tuen Mun and Yuen Long District

[Miss Paulina Y.L. Kwan, Senior Town Planner/Tuen Mun and Yuen Long (STP/TMYL), and Mr. Anthony C.Y. Lee, STP/TMYL, were invited to the meeting at this point.]

Agenda Item 8

Section 16 Applications

[Open Meeting (Presentation and Question Sessions Only)]

- (i) A/YL-PS/283 Temporary Warehouse for Storage of Metalware
for a Period of 3 Years
in “Residential (Group C)” zone,
Lots 1096(Part), 1841A, 1843A(Part),
1843RP, 1844A, 1845A(Part) and 1845B(Part)
and Adjoining Government Land in DD 124,
Hung Shui Kiu Main Street, Ping Shan, Yuen Long
(RNTPC Paper No. A/YL-PS/283)
-

74. The Committee noted that Dr. James C.W. Lau had declared an interest on this item as he had current business dealings with Top Bright Consultants Ltd., which was the consultant for the application. He had tendered apology for being unable to attend the meeting.

Presentation and Question Sessions

75. Miss Paulina Y.L. Kwan, STP/TMYL, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the temporary warehouse for storage of metalware for a period of 3 years;
- (c) departmental comments – Environmental Protection Department did not support the application as there were sensitive uses in the vicinity of the site and environmental nuisance was expected. Drainage Services Department commented that no drainage proposal was submitted by the applicant. Transport Department raised concerns on land status, management and maintenance responsibilities of the road/path/track leading to the site;
- (d) no public comment was received during the statutory publication period and no local objection was received from the District Officer; and
- (e) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessment made in paragraph 11 of the Paper. The development was not compatible with the surrounding residential uses. There was insufficient information to demonstrate that the proposed development would not pose adverse environmental, drainage and traffic impacts on the surrounding areas. There was no information to support why the proposed storage of metalware could not be accommodated in industrial buildings. Approval of the application would set an undesirable precedent for other similar uses to proliferate in the “Residential (Group C)” zone.

76. Members had no question on the application.

Deliberation Session

77. The Chairperson remarked that there would be potential industrial/residential interface problem as the development was too near to the surrounding residential uses.

78. After deliberation, the Committee decided to reject the application and the

reasons were :

- (a) the development was not in line with the planning intention of the “Residential (Group C)” zone which was intended primarily for low-rise, low-density residential developments. It was not compatible with the surrounding residential uses and no strong justifications had been given in the submission to justify for a departure from the planning intention, even on a temporary basis;
- (b) there was insufficient information to demonstrate that the proposed development would not pose adverse environmental, drainage and traffic impacts on the surrounding areas;
- (c) there was no information to support why the proposed storage of metalware could not be accommodated in industrial buildings; and
- (d) approval of the application would set an undesirable precedent for other similar uses to proliferate in the “Residential (Group C)” 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)]

- (ii) A/TM/369 Proposed Religious Institution (Church) and Residential Institution Development in “Government, Institution or Community” zone, Lots 491(Part), 492(Part), 500(Part), 501(Part) and 502RP(Part) in DD 374 and Adjoining Government Land, So Kwun Wat, Tuen Mun
(RNTPC Paper No. A/TM/369)
-

Presentation and Question Sessions

- 79. The Committee noted that on 28.5.2008, the applicant requested for deferment of

- (b) the temporary car trading for a period of 2 years;
- (c) departmental comments – Environmental Protection Department did not support the application as there were sensitive uses in the vicinity and environmental nuisance was expected;
- (d) no public comment was received during the statutory publication period and no local objection was received from the District Officer; and
- (e) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessment made in paragraph 12 of the Paper. The continuous occupation of the site for temporary open storage use was not in line with the planning intention of the “Village Type Development” (“V”) zone on the Outline Zoning Plan. There was insufficient justification in the submission for a departure from such planning intention, even on a temporary basis. The development was also not in line with the Town Planning Board Guidelines No. 13D. Approval of the application would set an undesirable precedent for other similar uses to proliferate into this part of the “V” zone.

83. Members had no question on the application.

Deliberation Session

84. The Chairperson pointed out that the application site was the subject of several previous approvals to provide time for the applicant to relocate the use to other suitable location. The previous applicant had been advised that no further renewal of approval would be given.

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

- (a) the continuous occupation of the site for temporary open storage use was

not in line with the planning intention of the “Village Type Development” (“V”) zone on the Outline Zoning Plan, which was to reflect existing recognized and other villages, and to provide land considered suitable for village expansion and reprovisioning of village houses affected by Government projects. There was insufficient justification in the submission for continuous departure from such planning intention, even on a temporary basis;

- (b) the development was also not in line with the Town Planning Board Guidelines No. 13D in that the site fell within Category 4 areas, the intention of which was to encourage the phasing out of such non-conforming uses as early as possible. Sufficient time had already been given to provide time to relocate the use to other location and there was no information in the submission to demonstrate why suitable sites within “Open Storage” (“OS”) zones could not be made available for the applied use; and
- (c) approval of the application would set an undesirable precedent for other similar uses to proliferate into this part of the “V” zone. The cumulative effect of approving such similar applications would result in a general degradation of the environment of the area.

[Open Meeting (Presentation and Question Sessions Only)]

- (iv) A/YL-TYST/378 Temporary War Game Field
for a Period of 3 Years
in “Green Belt” zone,
Lots 604-609, 612-622, 696(Part) and 697(Part) in DD 119,
Pak Sha Tsuen, Yuen Long

(RNTPC Paper No. A/YL-TYST/378)

Presentation and Question Sessions

- 86. Miss Paulina Y.L. Kwan, STP/TMYL, presented the application and covered the

following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the temporary war game centre for a period of 3 years;
- (c) departmental comments – Environmental Protection Department did not support the application as there were sensitive receivers located to the southeast of the site and environmental nuisance was expected. Agriculture, Fisheries and Conservation Department (AFCD) did not support the application from the nature conservation point of view. As the site was not fenced or clearly demarcated, there was insufficient information in the submission to demonstrate that the ‘protective fence’ would effectively prevent the war game activity from causing adverse impacts to the surrounding woodland. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L) had reservation on the application from the landscape planning point of view. There was no information in the application to demonstrate that the existing trees found on site would be maintained and proper tree protection measures would be provided to lessen the impact on trees arising from the activities on site. Drainage Services Department (DSD) had concern on the drainage impact on the adjacent area as a result of the development as the site was in an area where no proper public drainage system was available in the vicinity. The area was probably being served by some of the existing local drains. From public drainage point of view, the applicant should demonstrate that the proposed development would not cause any increase in the flooding susceptibility of the adjacent areas by carrying out a satisfactory drainage impact assessment (DIA) and flood mitigation measures proposed in the DIA;
- (d) no public comment was received during the statutory publication period and no local objection was received from the District Officer; and
- (e) the Planning Department (PlanD)’s views – PlanD did not support the

application based on the assessment made in paragraph 12 of the Paper. The development was not in line with the planning intention of the “Green Belt” (“GB”) zone. There was insufficient information in the submission to demonstrate that the development would not generate adverse environmental, drainage and landscaping impacts on the surrounding areas.

87. The Chairperson and Members raised the following questions :

- (a) planning intention of the “GB” zoning of the application site;
- (b) whether the structures as shown in photos of Plan A-6 of the Paper were already existed on the application site;
- (c) any local objections received;
- (d) drainage proposal for the war game centre, noting that DSD had raised concerns on the drainage impact arising from the development; and
- (e) number of visitors and car parking provision of the development.

88. In reply, Miss Paulina Y.L. Kwan, made the following main points :

- (a) although ‘Place of Recreation, Sports or Culture’ was a Column 2 use in the “GB” zone, one of the planning intentions of “GB” zone was to provide additional outlets for passive recreational activities. War game activities could not be considered as passive recreation;
- (b) the structures in question had already been erected on the application site. According to the Planning Authority, an Enforcement Notice had been issued against the suspected unauthorized development for war game activities detected on the application site;
- (c) no public comment was received during the statutory publication period;

- (d) according to the applicant, the development was used as recreation facilities for local villagers. There was no information in the submission concerning the number of visitors;
- (e) departmental comments and concerns had been conveyed to the applicant. On 22.2.2008, the Committee agreed to defer the consideration of the application as requested by the applicant` to allow time to address the concerns raised by relevant departments. Further information submitted by the applicant indicated that he had responded to the CTP/UD&L's and AFCD's concerns on tree protection by setting up protective fence and erecting warning signs; and
- (f) there was no information in the submission to address DSD's concerns. In view of the large size of the application site and structures erected, DSD's concerns on drainage impact would need to be addressed.

Deliberation Session

89. Members generally considered that war game activity, being a kind of recreational activities, was not entirely not in line with the planning intention of the "GB" zone, but raised the following comments and concerns on the application :

- (a) there was no boundary wall nor fencing for the application site and the activities might spill over to the "GB" areas outside the application site, thus affecting a wider locality;
- (b) the proposed level of traffic using the facilities and future management and maintenance of the access road, noting that the access road from Kung Um Road to the application site was long and winding and through land occupied by uses; and
- (c) there was no information to address departmental concerns and details on the future management and operation of the war game centre to minimize the impacts on the surrounding areas.

90. In response to the Chairperson enquiries, Mr. C.W. Tse said that as there were mainly warehouses in the vicinity of the application site, he considered the case marginal and the applicant should have provided sufficient information to demonstrate that the development would not generate adverse environmental impact on the surrounding areas. Mr. Ambrose Cheong replied that the comments made by Transport Department were general comments requiring clarifications from the applicant on the future traffic flow, management and maintenance of the access road.

91. In response to a Member's enquiry, the Secretary said that one similar case in "Agriculture" zone had previously been rejected by the Committee due to insufficient information provided in the submission.

92. The Chairperson summarized that Members generally considered that war game activity was not entirely not in line with the planning intention of the "GB" zone. Nevertheless, the applicant did not provide sufficient information in the submission to demonstrate that the development would not generate adverse environmental, traffic, drainage and landscaping impacts on the surrounding areas.

93. In the light of Members' views on the applied use in relation to the planning intention of "GB" zone, the Chairperson suggested that the reasons for rejection as recommended in paragraphs 13.1(a) and (c) be deleted. Members agreed.

94. After deliberation, the Committee decided to reject the application and the reason was that there was insufficient information in the submission to demonstrate that the development, including management of the proposed war game centre and its access road, would not generate adverse environmental, traffic, drainage and landscaping impacts on the surrounding areas.

[Open Meeting (Presentation and Question Sessions Only)]

- (v) A/YL-TYST/397 Proposed Public Utility Installation
(Mobile Communication Radio Base Station)
and Excavation of Land
in “Conservation Area” zone,
Government Land on Hilltop (near TVB Relay Station)
to the South of Tong Yan San Tsuen, Yuen Long
(RNTPC Paper No. A/YL-TYST/397)
-

Presentation and Question Sessions

95. Miss Paulina Y.L. Kwan, STP/TMYL, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed public utility installation (mobile communication radio base station) and excavation of land;
- (c) departmental comments – concerned Government departments, Office of the Telecommunications Authority (OFTA), Health Department and Electrical and Mechanical Services Department (EMSD), had no objection to or no adverse comments on the application;
- (d) no public comment was received during the statutory publication period and no local objection was received from the District Officer; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessment made in paragraph 11 of the Paper.

96. Members had no question on the application.

Deliberation Session

97. A member indicated support to the application. The same Member referred other Members to the advisory clauses as recommended in paragraphs 12.2 (c) to (e) of the Paper, and asked if the requirements made by Agriculture, Fisheries and Conservation Department (AFCD), Environmental Protection Department (EPD) and EMSD could be turned into approval conditions so as to ensure their compliance. In reply, Miss Paulina Y.L. Kwan said that the requirements made by EPD and EMSD were statutory in nature, and the applicant had to follow such statutory requirements under the relevant Ordinances prior to the implementation of the proposed development. As for AFCD's comments, the applicant had promised to comply with the AFCD's requirements.

98. Two other Members were of the view that it was a consistent practice to inform the applicant by way of advisory clauses regarding compliance of departmental requirements which were statutory in nature. The Chairperson clarified that as advised by EPD, the proposed use was a Designated Project under the Environmental Impact Assessment Ordinance (EIAO). The applicant had to follow the statutory process under the EIAO to obtain a valid environmental permit before construction of a Designated Project. Without the environmental permit, the applicant could not carry out the proposed development.

99. The Secretary explained that similar applications for the proposed development in other areas had previously been approved by the Committee. Approval conditions to be imposed would have to be enforceable. Notwithstanding, to address the Member's concern, a general approval condition on design and implementation of the proposed installation could be added. The Chairperson suggested and Members agreed to add the following condition to the approval of the application :

“The design and implementation of proposed development to the satisfaction of the Director of Electrical and Mechanical Services or of the Town Planning Board.”

100. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 20.6.2012, 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 conditions :

- (a) the design and implementation of proposed development to the satisfaction of the Director of Electrical and Mechanical Services or of the TPB; and
- (b) the submission and implementation of drainage proposal to the satisfaction of the Director of Drainage Services or of the TPB.

101. The Committee also agreed to advise the applicant :

- (a) to apply to the District Lands Officer/Yuen Long (DLO/YL), Lands Department for a Short Term Tenancy for the proposed installation;
- (b) to note the Director of Health's comments that the 'Code of Practice for the Protection of Workers and Members of Public Against Non-Ionising Radiation Hazards from Radio Transmitting Equipment' issued by the Office of Telecommunication Authority (OFTA) was applicable. Any location in the vicinity of the proposed mobile communication radio base station accessible to workers and the public should meet the relevant sets of limitation on electromagnetic fields applicable to workers and public respectively. The applicant for installation of mobile telecommunication radio base station was required to ensure the non-ionising radiation level of any location in the vicinity of the proposed base station accessible to the workers and the public would meet the relevant sets of exposure limits applicable to workers and public respectively, as recommended by the International Commission on Non-ionising Radiation Protection, taking into consideration the combined effects of transmissions from the same site or sites in the vicinity. As a reassurance, the compliance with the OFTA code should be verified by direct on-site measurement, performed by relevant parties, upon commissioning of the radio base station;
- (c) to note the Director of Agriculture, Fisheries and Conservation's comments that the existing footpaths should not be widened or re-routed for the transportation of tools and materials, the work site should be clearly

delineated and areas should be designated for temporary storage of construction tools, materials and excavated materials, and the disturbed ground surface should be reinstated and hydroseeded after the completion of the works;

- (d) to note the Director of Environmental Protection's comments that 'a project including earthworks partly or wholly in an existing "Conservation Area" constitutes a Designated Project (DP) by virtue of Item Q.1, Part I, Schedule 2 of the Environmental Impact Assessment Ordinance (EIAO). Based on the information provided, the proposed use was a DP under the EIAO. The applicant should follow the statutory process under the EIAO to obtain a valid environmental permit before construction of a DP;

- (e) to note the Director of Electrical and Mechanical Services' comments that based on the information provided by CLP Power Hong Kong Ltd. (CLPP), there were 400kV overhead lines running along the south-western side of the site. As far as electrical safety was concerned, the following conditions should be strictly complied with by the applicant and his contractors: (i) a 50m working corridor should be maintained along the 400kV overhead lines (25m on either side from the centre line of the transmission line tower) as stipulated in the Hong Kong Planning Standards and Guidelines published by Planning Department; (ii) a minimum vertical clearance of 7.6m between the top of any structure and the lowest point of the conductors had to be maintained; and a minimum safety clearance of 5.5m from the conductors in all directions should also be maintained; (iii) the roof of any structures should not be accessible; (iv) detailed design drawings and method statement for the installation should be submitted to CLPP for advice prior to commencement of site works; (v) no scaffolding, crane and hoist should be built or operated within 6m from the outermost 400kV conductors at all times. CLPP should be consulted on the safety precautions required for carrying out any works near the 400kV overhead lines; and (vi) 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 near the electricity supply lines. As regards the electric and magnetic fields arising from the 400kV overhead lines, the applicant was warned of possible undue interference to some of the electronic equipment located near the overhead lines;

- (f) to note the Head of the Geotechnical Engineering Office, Civil Engineering and Development Department's comments that as the sites might affect or be affected by adjacent slopes, the applicant should appoint an Authorised Person (AP) or an experienced engineer to carry out an investigation of the effects of the proposed works on the adjacent slopes and vice versa. The investigation report should be submitted to DLO and referred to his office for consideration as to whether the findings were acceptable. Proposals of any necessary slope stabilisation works should be submitted to the Buildings Department for approval;
- (g) to note the Assistant Commissioner for Transport/New Territories, Transport Department's comments that the land status of the road/path/track leading to the site should be checked with the lands authority. The management and maintenance responsibilities of the same road/path/track should be clarified and the relevant lands and maintenance authorities should be consulted accordingly;
- (h) to note the Chief Engineer/Development (2), Water Supplies Department (WSD)'s comments that for provision of water supply to the development, the applicant might need to extend his inside services to the nearest suitable Government water mains for connection. The applicant should resolve any land matter (such as private lots) associated with the provision of water supply to the development and should be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD's standards. There was no water main in the vicinity of the site and therefore the standard fire-fighting flow could not be provided; and
- (i) to note the Chief Building Surveyor/New Territories West, Buildings Department's comments that formal submission of any proposed new

works, including any temporary structures, for approval under the Buildings Ordinance was required, unless the proposed new works were carried out on Government land. If the site did not abut on a specified street having a width of not less than 4.5m, the development intensity should be determined under Building (Planning) Regulation 19(3) at the building plan submission stage.

[Open Meeting (Presentation and Question Sessions Only)]

- (vi) A/YL-TYST/398 Temporary Vehicle Repair Workshop
for a Period of 3 Years
in “Undetermined” zone,
Lots 1198A and C to G(Part), 1223RP(Part) and
1224RP(Part) in DD 119 and Adjoining Government Land,
Kung Um Road, Yuen Long
(RNTPC Paper No. A/YL-TYST/398)
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[Ms. Anna S.Y. Kwong left the meeting temporarily at this point.]

Presentation and Question Sessions

102. Miss Paulina Y.L. Kwan, STP/TMYL, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the temporary vehicle repair workshop for a period of 3 years;
- (c) departmental comments – Environmental Protection Department (EPD) did not support the application in view of the sensitive receivers located to the south and in the vicinity of the site. Other concerned Government departments had no objection to or no adverse comments on the application;

- (d) five public comments were received during the statutory publication period, raising objection to the application on grounds of noise, odour and environmental nuisances; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessment made in paragraph 11 of the Paper. Regarding EPD's and the local concerns, it should be noted that the development was not large in scale and the site was separated from the nearby residential dwellings by other uses. To address possible environmental concerns, approval conditions restricting the operation hours of the site and prohibiting paint-spraying activity were recommended. Besides, the applicant would be advised to follow the 'Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites' in order to alleviate any potential impact. Furthermore, it was recommended that a shorter approval period of 1 year be granted so as to monitor the situation on the site.

103. Members had no question on the application.

Deliberation Session

104. The Chairperson indicated that it would be more appropriate to allow a shorter approval period of one year so as to monitor the situation on the site.

105. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 1 year up to 20.6.2009, 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 8:00 a.m., as proposed by the applicant, was allowed on the application site during the planning approval period;
- (b) no operation on Sundays or public holiday, as proposed by the applicant, was allowed during the planning approval period;

- (c) no paint-spraying activity should be carried out on the application site at any time during the planning approval period;
- (d) the provision of a 9-litre water type/3kg dry powder fire extinguisher on the application site within 3 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 20.9.2008;
- (e) the implementation of the accepted drainage proposal within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 20.9.2008;
- (f) the submission of landscape proposal within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 20.9.2008;
- (g) in relation to (f) above, the implementation of landscape proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 20.12.2008;
- (h) if any of the above planning conditions (a), (b) or (c) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (i) if any of the above planning conditions (d), (e), (f) or (g) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and
- (j) upon the expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the TPB.

106. The Committee agreed to remind the applicant that prior planning permission

should have been obtained before commencing the applied use at the application site.

107. The Committee also agreed to advise the applicant :

- (a) that a shorter approval period of 1 year was granted so as to monitor the situation on the site;
- (b) to resolve any land issue relating to the development with the concerned owner(s) of the application site;
- (c) to note the District Lands Officer/Yuen Long, Lands Department's comments that his office reserved the right to take enforcement/control action against the erection of unauthorised structures and occupation of Government land on the site. The applicant was reminded to apply for Short Term Waiver (STW) and Short Term Tenancy (STT) to regularise the irregularities on site. Should no STW/STT application be received/approved, his office on review of the situation would resume or take new action as appropriate according to the established district lease enforcement and land control programme. Moreover, the vehicular access from Kung Um Road leading to the site ran through Government land without particular maintenance works to be carried out thereon;
- (d) to note the Assistant Commissioner for Transport/New Territories, Transport Department's comments that the land status of the road/path/track leading to the site should be checked with the lands authority. The management and maintenance responsibilities of the same road/path/track should be clarified and the relevant lands and maintenance authorities should be consulted accordingly;
- (e) to note the Chief Highway Engineer/New Territories West, Highways Department (HyD)'s comments that the vehicular run-in to be constructed at the access point should be in accordance with the latest version of HyD Standard Drawings No. H1113 and H1114 or H5115 and H5116 whichever set as appropriate to suit the type of pavement of adjacent footpath;

- (f) to follow the latest 'Code of Practice on Handling Environmental Aspects of Open Storage and Temporary Uses' issued by Environmental Protection Department;
- (g) to consult the Dangerous Goods Division, Licensing & Certification Command of Fire Services Department regarding licensing of the premises for storage/use of dangerous goods;
- (h) to note the Chief Building Surveyor/New Territories West, Buildings Department's comments that unauthorised structures on site were liable to action under section 24 of the Buildings Ordinance (BO). However, the granting of planning approval should not be construed as condoning to any unauthorised structures existing on the site under the BO and the allied regulations. Actions appropriate under the said Ordinance or other enactment might be taken if contravention was found. Formal submission of any proposed new works, including any temporary structures, for approval under the BO was required; and
- (i) to note the Director of Electrical and Mechanical Services' comments that based on the information provided by CLP Power Hong Kong Ltd. (CLPP), there were low voltage and 11kV electricity supply lines (i.e. overhead line and underground cables) within and in the vicinity of the site. Prior to establishing any structure within the site, the concerned parties (i.e. the applicant of the proposed development, his contractors and/or site workers, etc.) should consult CLPP and liaise with them to divert the existing low voltage overhead line within the site boundary and/or 11kV cables in the vicinity of the proposed structure. The 'Code of Practice on Working near Electricity Supply Lines' established under the Electricity Supply Lines (Protection) Regulation should be observed by the concerned parties prior to and in the course of any works in the vicinity of electricity supply lines.

[Open Meeting (Presentation and Question Sessions Only)]

- (vii) A/YL-HT/551 Temporary Open Storage of Construction Machinery and Material for a Period of 3 Years in “Comprehensive Development Area” zone, Lots 2938RP, 2939RP(Part), 2946 and 2950B(Part) in DD 129 and Adjoining Government Land, Ha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-HT/551)
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[Mr. B.W. Chan left the meeting at this point.]

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the renewal of planning approval for temporary open storage of construction machinery and material under Application No. A/YL-HT/395 for a period of 3 years until 24.6.2011;
- (c) departmental comments – Environmental Protection Department (EPD) did not support the application there were sensitive uses in the vicinity of the site and the access road (Lau Fau Shan Road) and environmental nuisance was expected. Other concerned Government departments had no objection to or no adverse comments on the application;

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

- (d) no public comment was received during the statutory publication period and no local objection was received from the District Officer; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the

application based on the assessment made in paragraph 12 of the Paper. Regarding EPD's concern, it should be noted that there was no environmental complaint pertaining to the site received in the past three years. To address EPD's concern and mitigate any potential environmental impacts, approval conditions restricting the operation hours of the site and the stacking height of materials were recommended. Besides, the applicant would be advised to follow the "Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites" in order to minimize the possible environmental impacts on the nearby sensitive receivers. Due to the demand for open storage and port back-up uses in the area, the Committee had recently approved similar applications in the same "Comprehensive Development Area" ("CDA") zone for similar temporary open storage and port back-up uses. Approval of the subject application was in line with the Committee's previous decision.

109. Members had no question on the application.

Deliberation Session

110. The Chairperson remarked that the current application was a renewal of previous temporary planning approval.

111. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years up to 24.6.2011, 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. to 7:00 a.m. was allowed on the site during the approval period;
- (b) no operation on Sundays and public holidays was allowed on the site during the planning approval period;
- (c) the stacking height of containers/materials stored within 5m of the periphery of the site should not exceed the height of the boundary fence at

any time during the planning approval period;

- (d) no open storage of materials other than construction machineries and materials was allowed on the site at any time during the approval period;
- (e) the setting back of the site boundary from the project limit of PWP Item No. 235DS “Fung Kong Tseun Drainage Improvement” to the satisfaction of the Director of Drainage Services or of the TPB;
- (f) the drainage facilities implemented on the site under Application No. A/YL-HT/228 and 395 should be maintained at all times during the planning approval period;
- (g) the submission of a condition record of the existing drainage facilities within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 20.12.2008;
- (h) the submission of 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 20.12.2008;
- (i) in relation to (h) above, the implementation of the landscape proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 20.3.2009;
- (j) the provision of a 9-litre water type/3kg dry powder fire extinguisher in each of the container-converted site offices within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 20.12.2008;
- (k) if any of the above planning conditions (a), (b), (c), (d), (e) or (f) was not complied with during the approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;

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

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

113. The Committee also agreed to advise the applicant :

- (a) to resolve any land issues relating to the development with the concerned owner(s) of the application site;
- (b) to follow the latest “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Director of Environmental Protection;
- (c) to note the District Lands Officer/Yuen Long’s comments that the lots under application were Old Schedule Agricultural Lots held under the Block Government Lease under which no structure was allowed to be erected without prior approval from his Office. The applicant should apply for a Short Term Wavier (STW) to regularize the unauthorized structures on site;
- (d) to note the Chief Engineer/Sewerage Projects, Drainage Services Department (DSD)’s comments that the site should not encroach upon the government land at Lau Fau Shan Road where the proposed sewer pipe was

to be built by DSD under PWP Item No. 235DS; and

- (e) 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 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.

[Open Meeting (Presentation and Question Sessions Only)]

- (viii) A/YL-HT/552 Temporary Open Storage of Containers with Ancillary Office for a Period of 3 Years in "Open Storage" and "Recreation" zones, Various Lots in DD 125 and Adjoining Government Land, Ha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-HT/552)
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[Ms. Anna S.Y. Kwong and Mr. Tony C.N. Kan returned to join the meeting at this point.]

Presentation and Question Sessions

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

- (a) background to the application in that the southern half of the site was zoned "Open Storage" ("OS") and the northern half was zoned "Recreation" ("REC"). The southern portion of the application was the subject of five previous planning approvals. The current application was an extension of the last approved application No. A/YL-HT/540 towards the north covering an additional area of about 9,400m² in "REC" zone which had recently been rejected by the Committee on 18.1.2008 under application No. A/YL-HT/524;

- (b) the temporary open storage of containers with ancillary office for a period of 3 years;
- (c) departmental comments – Environmental Protection Department did not support the application as there were sensitive uses in the vicinity of the site and the access road (San Wai Road), and environmental nuisance was expected. Drainage Services Department commented that no drainage proposal was submitted in the application. Transport Department raised concerns on traffic ground that 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 was received from the District Officer; and
- (e) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessment made in paragraph 12 of the Paper. Although the applied use in the southern portion of the site was generally in line with the planning intention of the “OS” zone, open storage of containers in the northern portion was not in line with the planning intention of the “REC” zone. The northern portion of the site was in close proximity to the “Village Type Development” zone of the village type developments at Tseung Kong Wai and residential dwellings to its east. The applied use at the northern portion of the site was not compatible with the nearby village settlements. No strong justification had been given in the submission for a departure from such planning intention, even on a temporary basis. The development was not in line with the Town Planning Board Guidelines No. 13D for Application for Open Storage and Port Back-up Uses in that there were adverse departmental comments, and there was insufficient information in the submission to demonstrate that the development would not have adverse environmental, drainage and traffic impacts on the surrounding areas. Approval of the application would set an undesirable precedent for similar applications in the area.

115. Members had no question on the application.

Deliberation Session

116. The Chairperson indicated that the applied use in the southern portion of the site falling within the “OS” zone near San Wai Road could be tolerated. However, enlarging the container yard by extending northward would have implications on the capacity of San Wai Road.

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

- (a) the applied use at the northern portion of the site was not compatible with the nearby village settlements, in particular the residential dwellings to the east and cluster of village type developments to the north;
- (b) the extension of the container yard further to the north was not in line with the planning intention of the “Recreation” zone which was primarily for recreational developments for the use of the general public. No strong justification had been given in the submission for a departure from such planning intention, even on a temporary basis; and
- (c) the development was not in line with the Town Planning Board Guidelines No. 13D for Application for Open Storage and Port Back-up Uses in that there were adverse departmental comments and there was insufficient information in the submission to demonstrate that the development would not have adverse environmental, drainage and traffic impacts on the surrounding areas.

[Open Meeting (Presentation and Question Sessions Only)]

- (ix) A/YL-MP/166 Proposed Comprehensive Residential Development including Wetland Restoration and Management Proposal in “Other Specified Use” annotated “Comprehensive Development to include Wetland Restoration Area” and “Village Type Development” zones, Lots 43ARP(Part) and 50 in DD 101, Lots 1266RP(Part), 1267(Part) and 1268(Part) in DD 105 and Adjoining Government Land, Wo Shang Wai, Mai Po, Yuen Long
(RNTPC Paper No. A/YL-MP/166)
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118. The application was submitted by a subsidiary of Henderson Land Development Co. Ltd.. The Committee noted that Mr. Alfred Donald Yap had declared an interest in this item as he had current business dealings with Henderson Land Development Co. Ltd.. As the applicant had requested to defer consideration of the application, Mr. Yap could be allowed to stay in the meeting.

Presentation and Question Sessions

119. The Committee noted that on 2.6.2008, the applicant requested for deferment of the consideration of the application for one month to allow time to liaise with the Mass Transit Railway Corporation Ltd. to address Highways Department’s concerns on the proposed development which would have a possible conflict with the preliminary alignment of the Express Railway, and to address the other departmental comments.

Deliberation Session

120. After deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending further 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 further information from the applicant. The Committee also agreed to advise the applicant that one month was allowed

for preparation of the submission of the further information, i.e. up to 20.7.2008, and no further deferment would be granted unless under very special circumstances.

[Open Meeting (Presentation and Question Sessions Only)]

- (x) A/YL-NSW/180 Proposed Comprehensive Residential Development
in “Undetermined” and
“Government, Institution or Community” zones,
Lots 879(Part), 880A1, 880B1, 881, 882, 883,
884, 885, 889RP(Part), 891(Part), 1318, 1326
and 1344(Part) in DD 115,
and Adjoining Government Land, Au Tau, Yuen Long
(RNTPC Paper No. A/YL-NSW/180)
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Presentation and Question Sessions

121. The Committee noted that on 5.6.2008, the applicant requested for deferment of the consideration of the application to allow time to prepare supplementary information to address the departmental comments.

Deliberation Session

122. After deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending further 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 further information from the applicant. The Committee also agreed to advise the applicant that a total of four months were allowed since the application was deferred by the Committee on 18.4.2008 for preparation of submission of further information, and no further deferment would be granted unless under very special circumstances.

[Open Meeting (Presentation and Question Sessions Only)]

- (xi) A/YL-NTM/223 Proposed Comprehensive Low Density Residential Development in “Comprehensive Development Area” zone, Lots 700, 701, 702A, 702B, 718(Part), 719(Part), 720(Part), 721A, 721B, 721C, 721RP, 722A, 722B, 722C, 722RP, 723A, 723B, 723RP, 724A, 724RP, 725, 726, 727, 728, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739RP(Part), 740(Part), 741(Part), 842RP, 845RP, 853RP, 854, 855, 952RP, 954, 956, 960RP, 961, 962, 963, 966, 967, 968RP, 972RP, 973RP, 975, 976, 977, 1019, 1020, 1021, 1022, 1023, 1024 and 4469RP in DD 104 and Adjoining Government Land, Ngau Tam Mei, Yuen Long
(RNTPC Paper No. A/YL-NTM/223)
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123. The application was submitted by several companies which were subsidiaries of Henderson Land Development Co. Ltd.. The Committee noted that Mr. Alfred Donald Yap had declared an interest in this item as he had current business dealings with Henderson Land Development Co. Ltd.. As the applicant had requested to defer consideration of the application, Mr. Yap could be allowed to stay in the meeting.

Presentation and Question Sessions

124. The Committee noted that on 2.6.2008, the applicant requested for deferment of the consideration of the application to allow time to prepare supplementary information to address the departmental comments.

Deliberation Session

125. After deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending further 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 further information from the applicant. The Committee also agreed to advise the applicant that a total of four months

further deferment would be granted unless under very special circumstance. Hence, the current deferment would be the last deferment approved by the Committee.

[The Chairperson thanked Miss Paulina Y.L. Kwan, STP/TMYL and Mr. Anthony C.Y. Lee, STP/TMYL, for their attendance to answer Members' enquiries. Mr. Lee and Miss Kwan left the meeting at this point.]

Agenda Item 9

Any Other Business

129. There being no other business, the meeting was closed at 4:30 p.m..