

TOWN PLANNING BOARD

Minutes of 356th Meeting of the Rural and New Town Planning Committee held at 2:30 p.m. on 24.8.2007

Present

Director of Planning
Mrs. Ava S.Y. Ng

Chairperson

Mr. Michael K.C. Lai

Vice-chairman

Ms. Carmen K.M. Chan

Mr. Edmund K.H. Leung

Mr. B.W. Chan

Mr. Y.K. Cheng

Ms. Anna S.Y. Kwong

Dr. James C.W. Lau

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

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

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

Secretary

Absent with Apologies

Professor Nora F. Y. Tam

Mr. David W.M. Chan

Dr. Lily Chiang

Professor David Dudgeon

Professor Peter R. Hills

Mr. Tony C.N. Kan

Dr. C.N. Ng

Mr. Alfred Donald Yap

Assistant Director (2), Home Affairs Department

Ms. Margaret Hsia

Assistant Director/New Territories, Lands Department

Mr. C.S. 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

Miss Jessica K.T. Lee

Agenda Item 1

Confirmation of the Draft Minutes of the 355th RNTPC Meeting held on 10.8.2007

[Open Meeting]

1. The draft minutes of the 355th RNTPC meeting held on 10.8.2007 were confirmed without amendments.

Agenda Item 2

Matters Arising

[Open Meeting]

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

Sha Tin, Tai Po and North District

Agenda Item 3

Section 12A Application

[Open Meeting (Presentation and Question Sessions Only)]

Y/FSS/1 Application for Amendment to the
Approved Fanling/Sheung Shui Outline Zoning Plan No. S/FSS/14
from “Commercial/Residential (3)” to “Open Space”,
Government land near Grand Regentville,
Planning Area 19,
Sha Tau Kok Road,
Fanling
(RNTPC Paper No. Y/FSS/1)

3. The application was related to a land sale site. Mr. C.S. Mills, being a representative of Lands Department, declared interest in this item. The Committee noted that Mr. Mills had tendered apologies for being not able to attend the meeting.

4. Mr. W.K. Hui, District Planning Officer/Shan Tin, Tai Po and North (DPO/STN),

Ms. Stephanie P.H. Lai, Senior Town Planner/Sha Tin, Tai Po and North (STP/STN), and the applicant's representatives, Ms. Wong Lai Fong, Ms. Yeung Pui Yee, Ms. Law Lok Chi and Mr. Parker Chan, were invited to the meeting at this point.

5. The Chairperson extended a welcome and briefly explained the hearing procedures.

Presentation and Question Sessions

[Ms. Anna S.Y. Kwong arrived at the meeting during the presentation session.]

6. The Chairperson then invited Ms. Stephanie P.H. Lai, STP/STN, to brief Members on the background of the application. Ms. Lai presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application for amendment to the approved Fanling/Sheung Shui (FSS) Outline Zoning Plan (OZP) No. S/FSS/14;
- (b) proposed rezoning from "Commercial/Residential(3)" ("C/R(3)") to "Open Space" ("O");
- (c) departmental comments – the District Lands Officer/North of Lands Department did not support the application;
- (d) during the statutory publication period, a total of 604 public comments were received. Most of the commenters supported the application and considered that the site should be used for park/garden or community facilities. The other commenters proposed to develop the site as "Green Belt" or other use. Local supports and objection were received from the District Officer/North; and
- (e) the Planning Department (PlanD)'s views – PlanD did not support the application for reasons given in paragraphs 10.1 to 10.6 of the Paper, namely (i) there was adequate local open space provision for residents in the FSS New Town, (ii) there was no strong planning justification to rezone

the site from “C/R(3)” to “O”, and (iii) the “C/R(3)” zone was compatible with the surrounding residential/commercial developments and would optimise the use of valuable land resources.

7. The Chairperson then invited the applicant’s representatives to elaborate on the application. Ms. Wong Lai Fong made the following main points:

- (a) the North District had an area of about 14,000 ha. The population had been more than doubled from about 145,000 in 1993 to the existing figures of about 300,000;
- (b) within the triangular area bounded by Sha Tau Kok Road, Ma Sik Road and Fan Leng Lau Road, there were already about 6,300 households or 44,000 persons, i.e. over 10% of the total population in North District, living in five residential developments, namely Wing Fok Centre, Wing Fai Centre, Regentville, Grand Regentville and Belair Monte. There was a strong need for provision of more green area/open space. Apart from the Luen Wo Hui Playground, there was no other public recreational or open space facilities to serve the residents living in the five residential developments;
- (c) there were just two hospitals, which were insufficient to cope with the demand of the growing population in the North District. Moreover, according to the table in Appendix III of the Paper, there were deficits in children/youth centre and social centre for the elderly to serve the existing and planned population in FSS New Town;
- (d) Grand Regentville was far away from major transport node. It was necessary for the residents to take connecting bus or mini-bus to the railway station. However, there were always long queues at the bus/mini-bus terminus. There was inadequate transport facilities to serve the local community;
- (e) it was the aspiration of the community to have more green area/open space. The subject site should be used for park or garden to serve the elderly and the children living in the area, and to improve the general living

environment. Alternatively, the site could be used for community/recreational facilities to meet the shortfall of such facilities in the area. Dog garden could also be considered;

- (f) heavy traffic along Sha Tau Kok Road had already generated air pollution to the local residents. If high-rise buildings were built at the site, it would increase the development density of the area, create a wall effect to the nearby residential developments and adversely affect the air ventilation/quality of the area; and
- (g) the site was considered not suitable for commercial/residential development as it was subject to traffic noise along Sha Tau Kok Road and potential fire risk of the nearby petrol filling station. Other sites in Luen Wo Hui could be considered for commercial/residential developments.

[Mr. Elvis Au joined the meeting at this point.]

8. A Member asked the following questions:

- (a) what was the distance between the site and an “O” zone to the north of Ma Sik Road;
- (b) whether there was any implementation programme for that “O” zone; and
- (c) while the site was included in the Application List, whether there was any Government, institution or community (GIC) facilities to be provided in the future development at the site.

9. Mr. W.K. Hui, DPO/STN, responded that :

- (a) the distance was about 400m, i.e. the distance between two MTR stations;
- (b) there was currently no implementation programme for the “O” zone to the north of Ma Sik Road; and

- (c) while there was no requirement to provide any GIC facilities within the future development at the “C/R” site, there were existing GIC facilities in the vicinity of the site, including indoor recreation centre, market, community hall, library, elderly centre, youth and children centre.

10. In response to a Member’s enquiry, Mr. W.K. Hui said that district open spaces were sizable sites providing facilities to meet the needs of the population of a broader area such as North District Park. Local open spaces included facilities such as sitting-out areas and children’s playgrounds serving the population of a neighbourhood. Referring to Plan Z-5 of the Paper, Mr. Hui added that sufficient land had been reserved for local/district open space to meet the planned population in FSS New Town according to the Hong Kong Planning Standards and Guidelines (HKPSG).

11. Ms. Yeung Pui Yee said that she was not aware of any elderly centre in the vicinity of the site. There were already a number of tall and densely developed buildings within the small triangular area, but without provision of GIC facilities and open space. If the site was to be developed, it would have significant adverse impacts on the residents living in the area. She recalled that the then Permanent Secretary for Housing, Planning and Lands (Housing), Mr. C.M. Leung, had previously visited the site and considered it not suitable for public housing development. Mr. W.K. Hui said that GIC facilities were available in the vicinity of the site and the GIC table in Appendix III of the Paper was based on information provided by relevant Government departments.

12. The Chairperson remarked that the problems of inadequate transport facilities and provision of GIC facilities raised by the applicant should be dealt with by the relevant Government departments. The Committee would assess the application based on land use and site reservation considerations.

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

Deliberation Session

14. A Member said that social centre for the elderly would no longer be provided, the GIC table in Appendix III of the Paper should be updated in consultation with Social Welfare Department. This Member asked whether some GIC facilities might be provided to address the needs of the local community. The Chairperson remarked that the present application was to seek the Committee's agreement to rezone the site to "O". The residents' concerns on the insufficient provision of transport or other facilities were primarily traffic management and resource allocation issues, which were not land use/site reservation matters, fell outside the purview of the Committee. Moreover, according to HKPSG, adequate land had already been reserved for development of local GIC facilities to meet the need of population in the area.

15. After discussion, the Chairperson concluded that as there was adequate open space provision for residents in the FSS New Town, there was no strong planning justification to rezone the site from "C/R(3)" to "O". Members agreed.

16. After deliberation, the Committee decided not to agree to the application for amendment and the reasons were :

- (a) there was adequate local open space provision for residents in the Fanling/Sheung Shui New Town. The overall planned provision of district open space was also adequate to cope with the long-term requirements of the planned population in the New Town. There was no strong planning justification to rezone the site from "Commercial/Residential (3)" ("C/R(3)") to "Open space"; and
- (b) the "C/R(3)" zone intended for commercial and/or residential development at the site was compatible with the surrounding residential/commercial developments and would optimise the use of valuable land resources.

Tuen Mun and Yuen Long District

Agenda Item 4

Section 12A Applications

[Open Meeting (Presentation and Question Sessions Only)]

- (i) Y/TM/2 Further Consideration of Application for Amendment to the Draft Tuen Mun Outline Zoning Plan No. S/TM/22 by deleting the “Oil Depot, Oil Refinery and Petrol-chemical Plant” uses from Column 2 of the Notes of the “Other Specified Uses” annotated “Special Industries Area” zone, Two Parcels of Land to the South of Lung Mun Road including Tuen Mun Town Lot 372 and its extensions, and Adjacent Government Land, Area 38, Tuen Mun
(RNTPC Paper No. Y/TM/2)
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17. The application was related to two previous s.16 applications for a permanent aviation fuel facility (PAFF) submitted by the Airport Authority Hong Kong (AA). Mr. Edmund K.H. Leung, being a Member of the AA Board, declared interest in this item.

[Mr. Edmund K.H. Leung left the meeting temporarily at this point.]

18. The following Government representatives were invited to the meeting at this point :

Mr. Wilson Y.L. So	District Planning Officer/Tuen Mun and Yuen Long (DPO/TMYL)
Mr. Wilson W.S. Chan	Senior Town Planner/Tuen Mun and Yuen Long (STP/TMYL)
Mr. C.P. Au	Town Planner/Tuen Mun and Yuen Long
Mr. Simon Y.M. Hui	Environmental Protection Department (EPD)
Mr. S.H. Lo	Fire Services Department (FSD)

Mr. C.Y. Ho	FSD
Mr. K.K. Leung	FSD

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

Ms. Yeng Pong]	
Mr. John Chan]	Shiu Wing Steel Ltd.
Mr. Roy Wong]	
Mr. Ian Brownlee		Masterplan Ltd.
Mr. Marc McBride		Executive, Health and Safety Laboratory, UK

20. The Chairperson extended a welcome and briefly explained the hearing procedures.

Presentation and Question Sessions

21. The Chairperson then invited Mr. Wilson W.S. Chan, STP/TMYL, to brief Members on the background of the application. Mr. Chan presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application for amendment to the draft Tuen Mun Outline Zoning Plan No. S/TM/22;
- (b) further consideration of the proposed deletion of the 'Oil Depot, Oil Refinery and Petrol-chemical Plant' ('OOPP') uses from Column 2 of the Notes of the "Other Specified Uses" annotated "Special Industries Area" ("OU(SIA)") zone;
- (c) departmental comments – the Secretary for Transport and Housing, the Secretary for Commerce and Economic Development, and the Director-General of Trade and Industry maintained their previous views of not supporting the application for reasons as stated in paragraphs 2.1.5 to 2.1.7 of the Paper; and

- (d) the Planning Department (PlanD)'s views – PlanD did not support the application for reasons given in paragraphs 3.1 to 3.5 of the Paper. The inclusion of 'OOPP' uses in Column 2 of the Notes of "OU(SIA)" zone was appropriate, there was no land use compatibility problem, and the safety and environmental acceptability of PAFF had been confirmed by concerned Government departments.

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

22. The Chairperson then invited the applicant's representatives to elaborate on the application. With the aid of powerpoint presentation and two videos of computer simulation, Mr. Marc McBride made the following main points:

- (a) catastrophic failure had been the subject of several safety alerts and guidance issued by industry and regulatory authorities around the world. It was also one of the reference scenarios for land use planning around sites such as PAFF. The significance of catastrophic failure was that the secondary containment wall or bund wall surrounding the tanks was not designed to address such situation when the fuel surged over the top of the wall into the neighbouring areas;
- (b) the applicant was concerned about the scenario that there was catastrophic failure of the fuel storage tanks at PAFF with an instantaneous or almost instantaneous loss of the entire tank content. This could be happened as a result of a vertical split in the tank wall or a split around the base of the tank leading to the loss of up to 191 lives;
- (c) as illustrated in the computer simulation of the collapse of a tank at PAFF and an experiment on potential ignition mechanism, the pool of aviation fuel would surge into the steel mill where large numbers of workers were present. The pool of aviation fuel came into contact with the hot surfaces and ignition sources including the hot steel stacks and the flash welding area. The aviation fuel vapour would then ignite leading to a massive pool fire and the catastrophic loss of life at the steel mill;

- (d) although the extreme severity of the hazards of catastrophic tank failure was recognised by AA, they considered the risk acceptable because of the low likelihood that such an event could occur. The basis on which the AA considered PAFF to be safe was highly uncertain, relying on an argument of low risk rather than low hazard;
- (e) in the risk assessment process, there were uncertainties at each stage of the process. One of the major sources of uncertainty was in assessing the likelihood of hazardous events such as catastrophic tank failure. In the revised Environmental Impact Assessment (EIA), AA's analysis on the likelihood of catastrophic tank failure was 1 in 200 million years, which was a factor of 1000 times more optimistic than that adopted by the UK and Dutch regulatory authorities. It should be noted that AA had not adopted suitably cautious assumptions and there was a credible risk of catastrophic loss of life due to accidents at the PAFF on neighbouring sites; and
- (f) in view of the above, measures should be taken to reduce the risk associated with the PAFF. The best option was to relocate the PAFF away from Tuen Mun Area 38. If the PAFF should remain, various other options were available. One measure was to limit the storage capacity within a single bund to 60,000m³ according to the current international good practice. Currently, the PAFF had nearly 200,000m³ of storage within a single bund, which greatly increased the off-site risk. Quoting the tank farm at Denver airport as an example, the PAFF had six times the fuel storage volume covered twice the area. Other options would be to reduce the size of the tanks and the total storage capacity, or to change from 'above ground' tanks to 'mounded' tanks. Alternatively, a safety buffer zone should be provided around PAFF. The applicant proposed to provide an additional 30m buffer between the steel mill and PAFF by relocating four storage tanks to an area currently occupied by the Resource Recovery Park (RRP). A buffer of 50m was also proposed between PAFF and RRP.

23. Referring to the information tabled at the meeting, Mr. Ian Brownlee made the following main points:

- (a) at the last RNTPC meeting in April, the Committee decided to defer a decision on the application pending additional information from EPD on the acceptability of PAFF. The applicant strongly objected against the deferment of hearing of the case as it was unfair not to allow the applicant to do the presentation at that time;
- (b) under the Town Planning Ordinance, the Town Planning Board (the Board) was responsible for the 'health safety and general welfare' of the community through the systematic preparation and administration of town plans. Fundamentally, PAFF was an incompatible land use in the area. Through approving s.16 applications for it, the Board became responsible for the layout of PAFF, the quantity of fuel to be stored there, and the relationship of PAFF to its neighbouring sites;
- (c) referring to paragraph 2.1.2 of the Paper, the applicant did not agree with EPD's comments that the applicant's information did not conclude that the site was not suitable for PAFF. As mentioned by Mr. McBride, there would be a continuing unacceptable risk due to accidents at PAFF to the lives of employees working in the steel mill and other members of the community. From land use planning of view, PAFF should not be located adjacent to an operating steel mill;
- (d) the previous applications No. A/TM/289 and A/TM/312 submitted by AA and approved by the Board in 2002 and 2004 respectively were not published for public inspection. On 16.11.2006, the applicant requested to examine the papers relevant to these applications. On 22.11.2006, the Secretariat replied that the information could not be released as the applications were submitted before the commencement of the Town Planning (Amendment) Ordinance 2004. AA also declined to provide the applicant with the relevant papers;
- (e) the applicant had always assumed that the PAFF was approved as an 'Oil Depot'. That was the reason why the applicant requested the Committee to delete 'OOPP' from Column 2 of the "OU(SIA)" zone considering that it

would make the PAFF not permitted in that zone. The applicant was only aware from the paper prepared by PlanD for this hearing that the PAFF was in fact applied as a 'Utility Installation not Ancillary to the Specified Use' use rather than as an 'Oil Depot' use;

- (f) referring to the Definitions of Terms (DoT) of 'Utility Installation for Private Project' and 'Public Utility Installation', 'Utility Installation' referred to structures such as electric substation, telephone exchange and pumphouse. It did not include storage of aircraft fuel or PAFF. On the other hand, 'Aviation Fuel Storage Facility' referred to any facility for storage and distribution of aviation fuel to aircraft including storage tanks, pumping systems and tanker loading station. PAFF obviously fell with the definition of and should be classified as 'Aviation Fuel Storage Facility' rather than an 'Oil Depot';
- (g) as PAFF was neither a Column 1 nor Column 2 use under the Notes of "OU(SIA)" zone, the two previous applications should not have been approved by the Board and the Board had acted outside the Notes of the OZP. The Notes of the "OU(SIA)" zone should be amended by including "Aviation Fuel Storage Facility" before the Board could properly consider an application for PAFF. The amendment of the OZP could also provide the applicant an opportunity to object and present the case for consideration of the Board. Currently, the applicant was denied the right to object to having a PAFF immediate next to its steel mill. It appeared that the Board had acted ultra vires in approving a use that was not permitted in the "OU(SIA)" zone;
- (h) the applicant considered the site not suitable for PAFF. However, if PAFF should remain, it should be as safe as possible. There were four storage tanks in Stage II of PAFF. These four tanks were the closest tanks to the steel mill. They were unlikely to be needed until 2020. The applicant proposed to relocate these four tanks so as to provide an additional buffer area to ensure that no fuel would reach the steel mill even if a tank was collapsed. Mr. McBride estimated that an earth bund of about 10m above road level would provide an adequate and suitable buffer.

It was also proposed to rezone this buffer area to “open space” (“O”) to provide certainty to the public;

- (i) as advised by the Buildings Department, only Stage I of the PAFF was approved. The Lands Department confirmed that the land grant for PAFF was still under processing. Moreover, referring to paragraph 4.5 in the Environmental Permit (EP) Conditions in F-Appendix VII of the Paper, it stated that the Permit Holder should, at least 6 months before construction of the second stage of the Project, submit a design review report to EPD for approval. The report should include, but not limited to, a review of hazard to life assessment for the Project. It indicated that EPD was not totally satisfied with the risk to life assessment and did not want Stage II to be implemented without reviewing the situation. This had provided an opportunity for the Committee to consider relocation of these four storage tanks and reconsider the previous planning approvals, especially the approvals were appeared to be ultra vires;

- (j) the matter had arouse tremendous public concerns. A total of 889 public comments supported the application. For the six opposing comments, the one made by the Cathay Pacific Airways Ltd. was in fact a qualified support, with a condition that PAFF had to be safe. Tuen Mun District Council unanimously objected to the PAFF in Tuen Mun Area 38; and

- (k) the applicant requested the Committee:
 - not to ignore the technical information submitted by the applicant to demonstrate that there was an unacceptable risk to human life;
 - to delete the ‘OOPP’ uses from Column 2 of the Notes of the “OU(SIA)” zone to ensure that no incompatible uses were located within this zone;
 - to request the Lands Department to exclude the ‘four tanks’ area from the land grant for the PAFF;
 - to rezone the ‘four tanks’ area to “O” zone to provide a buffer area; and
 - to revisit the approved s.16 applications and include ‘Aviation Fuel Storage Facility’ use into the Notes of “OU(SIA)” zone.

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

24. In response to the Chairperson's enquiry, Mr. Wilson Y.L. So, DPO/TMYL, said that the s.12A application was submitted to delete 'OOPP' uses from Column 2 of the Notes of the "OU(SIA)" zone and the applicant also requested the Town Planning Board (the Board) to consider other matters as listed in paragraph 1.2 of the Paper. The applicant's current proposal to rezone the 'four tanks' area to "O" zone was new information presented first time at this meeting. Mr. Ian Brownlee explained that the current proposal was the applicant's response to the new information provided in the recently approved revised EIA Report and the RNTPC Paper that was only available to the applicant on Monday.

25. In response to the Chairperson's enquiry, Mr. Wilson So said that in 1988, the then Territory Development Department conducted a development feasibility study to investigate whether Tuen Mun Area 38 was suitable for a third industrial estate or special industries. Despite the decision of the Government to choose Tseung Kwan O Area 87 for a third industrial estate in 1989, the development study went ahead with special reference to the possibility of setting up special industries in Tuen Mun Area 38. According to the study, industries that would be of low hazard such as chemical plants, oil/gasoline tank farm or small-scale LPG storage could be allowed. In 1994, the draft Tuen Mun OZP No. S/TM/8 was gazetted to rezone the entire Tuen Mun Area 38 from "Other Specified Uses" annotated "Land Extensive and Marine-oriented Industrial Development" to "OU(SIA)". Since 1995, the AA had conducted an extensive search for a suitable site for a PAFF. In determining the site at Tuen Mun Area 38 being the most suitable one, various considerations had been taken into account. The fact that the PAFF would be located adjacent to Shiu Wing Steel Mill was thoroughly considered. On 9.8.2002, a s.16 application (No. A/TM/289) submitted by the AA for a proposed PAFF was approved. An EP was subsequently issued by EPD on 28.8.2002. Having taken into account the Court of Final Appeal's decision, the AA submitted a revised EIA for PAFF on 22.12.2006. On 30.5.2007, the EPD approved with conditions the revised EIA and granted an EP to AA for the construction and operation of PAFF.

26. Mr. Wilson So continued to say that given that the site was zoned "OU(SIA)", land use incompatibility would not be an issue provided that the environmental, the risk and fire safety considerations were considered acceptable. The risk concerns of PAFF raised by the applicant had been covered in the revised EIA approved in May 2007 under the EIAO.

As such, the environmental acceptability, in particular the risk and fire safety aspects, of PAFF could be confirmed and the applicant's argument about land use incompatibility could not be established. There was no technical argument to support the applicant's proposal for amending the Notes of the OZP to remove PAFF or provide a buffer area.

27. A Member enquired whether the Government representatives could provide some comments on the applicant's current proposal to provide a buffer area between PAFF and the steel mill. In response, Mr. Wilson So said that the relocation area for the 'four tanks' was zoned "OU(RRP)" on the OZP for development of the proposed EcoPark. The applicant's current proposal would frustrate the development of the proposed EcoPark. This view was shared by Mr. Simon Hui who added that detailed study was required on the feasibility of the applicant's current proposal as it would have serious impacts on the operation of the EcoPark. Mr. S.H. Lo said that in theory a greater safety distance from the nearest tank wall to the steel mill boundary could be achieved by relocating the 'four tanks'. However, the applicant's proposal had not indicated whether the new bund wall design could meet the minimum containment capacity (viz, 100% content of the largest tank or 10% of the total contents within a storage compound). In the absence of information pertinent to the design of the bund wall, the arrangement of emergency vehicular access and the relevant safety distance, he was unable to make an initial comment.

28. In response to a Member's enquiry, Mr. Ian Brownlee said that only Stage I of PAFF, involving six storage tanks and other ancillary buildings, was approved by the Building Authority. The relocation of the four storage tanks would not affect the construction and operation of those tanks already approved. Mr. Simon Hui pointed out that the approved EIA for PAFF covered the environmental and the risk to life aspects for all the 12 storage tanks on site. The EIA had gone through the statutory EIA procedures and endorsed by the Advisory Council on the Environment without conditions. On 30.5.2007, EPD approved with conditions the revised EIA under the EIAO and granted an EP to AA for construction and operation of PAFF at the subject site. Mr. Hui added that as some substructure works had already commenced on site, the applicant's current proposal on relocation might have implication on the works completed on site.

29. A Member raised a question on the applicant's arguments on the collapse of storage tank and the aviation fuel surged into the neighbouring steel mill. Mr. Simon Hui said that the EIA submitted by AA had covered different scenarios including the scenario of a

“catastrophic failure” of a fuel storage tank. As far as hazard assessment was concerned, EPD was satisfied that PAFF at the site would not pose an unacceptable risk to human life under the context of the EIA Ordinance and the Risk Guidelines given in the EIA Ordinance Technical Memorandum. The applicant had submitted similar comments during the public inspection period of the EIA Report and those comments were also considered and deliberated by the Advisory Council on the Environment. The approval of the EIA was made after careful consideration of the comments from the Advisory Council on the Environment and members of the public, including the applicant.

30. Mr. S.H. Lo said that according to the revised EIA submitted by AA, there would be two main bunds (designed to contain any spills from the tank or tank piping within the storage compound), each containing six tanks in future but four tanks initially. The initial bund containment capacity (with installation of four tanks in each bund) would be at least 180% of the volume of the largest tank. In the future (with installation of six tanks in each bund), it would amount to at least 150% of the volume of the largest tank. Mr. Lo also advised that careful consideration should be made for a higher bund wall design as it might entail flammable vapour being entrapped inside the bund area, resulting in higher fire risk.

31. In response to the Chairperson’s enquiry on the DoT, Mr. Wilson So said that the two planning applications (No. A/TM/289 and A/TM/312) for PAFF were approved in 2002 and 2004 respectively. The PAFF was applied as a ‘Utility Installation not Ancillary to the Specified Use’ which was a Column 2 use under the Notes of the “OU(SIA)” zone. As regards the applicant’s claim that he only knew such information upon receipt of the RNTPC Paper on Monday, this was not correct. Such information had in fact been provided in paragraphs 4.9 and 4.10 in F-Appendix I of the Paper (i.e. the RNTPC Paper for consideration by the Committee on 13.4.2007), which had previously been passed to the applicant in April this year. Mr. So continued to say that the PAFF would consist of a jetty, a tank farm and sub-sea pipelines. It was designed to receive Jet A1 aviation fuel by ship, store it in tanks and export it to serve the Hong Kong International Airport by pipeline. In terms of the nature of operation and facilities, PAFF was considered more akin to ‘Utility Installation not Ancillary to the Specified Use’. The two terms ‘Utility Installation for Private Project’ or ‘Public Utility Installation’ mentioned by the applicant, were different from that of ‘Utility Installation not Ancillary to the Specified Use’.

32. Referring to paragraph H5.3.2.3 and Table 10.56 in hazard to life assessment in

the revised EIA Report attached in F-Appendix III of the Paper, Mr. Ian Brownlee said that there was little question that if Jet A1 liquid physically entered the re-heat furnace then it would vaporise and ignite. The number of fatalities for instantaneous tank failure at the PAFF could be up to 166. It was obvious that AA was fully aware of the situation but had not given adequate consideration to the hazard to life issues. Even the likelihood of such hazardous event might be low, it could still be happened sometimes next weeks leading to catastrophic loss of life as mentioned before. The applicant's proposal to provide an additional buffer area and an earth bund was a simple arrangement but could prevent credible risk to life. Moreover, PAFF should be classified as 'Aviation Fuel Storage Facility' which was neither a Column 1 nor Column 2 use under the Notes of "OU(SIA)" zone. The Board should not have approved the two previous applications for PAFF, which was wrongly applied as a 'Utility Installation not Ancillary to the Specified Use'. The Board had acted outside the Notes of the OZP. The Committee was requested to revisit the two approved s.16 applications for PAFF.

33. The Secretary said that the s.12A application was to request the Committee to delete the 'OOPP' uses from Column 2 of the Notes of the "OU(SIA)" zone so that PAFF would not be permitted on that zone. She asked whether the applicant would consider PAFF a kind of use falling within the definition of 'OOPP'. Mr. Ian Brownlee replied in negative and added that it was not appropriate to put 'OOPP' uses under Column 2 of the Notes of the "OU(SIA)" zone. This was to ensure that no incompatible uses were located within this zone.

34. As the applicant's representatives had finished their presentation and Members had no further questions, the Chairperson said that the hearing procedures had been completed and the Board would deliberate on the application in their absence and would inform them of the Board's decision in due course. The Chairperson thanked them and the Government representatives for attending the hearing. They all left the meeting at this point.

Deliberation Session

35. The Chairperson remarked that the applicant had confirmed that the subject application was to delete 'OOPP' uses from Column 2 of the Notes of the "OU(SIA)" zone while noting that PAFF was in fact applied as a 'Utility Installation not Ancillary to the

Specified Use' rather than as an 'Oil Depot' use. As regards the applicant's other requests as mentioned in paragraph 1.2 of the Paper, these requests fell outside either the scope of the s.12A application or the purview of the Board for reasons as stated in paragraphs 3.2 to 3.4 of the Paper. Members agreed that the Committee would not consider these other requests.

36. Mr. Elvis Au remarked that having taken into account the CFA's decision, the AA submitted a revised EIA for PAFF under the EIA Ordinance on 22.12.2006. On 30.5.2007, EPD approved with conditions the AA's revised EIA Report for PAFF and granted an EP to AA for the construction and operation of PAFF.

37. In response to some Members' enquiry on the risk concerns of PAFF raised by the applicant, Mr. Elvis Au said that according to the revised EIA, (i) Jet A1 aviation fuel had a flash point of 38°C which was different from that of petrol; (ii) the likelihood of the catastrophic instantaneous 100% loss scenario was very low; and (iii) the risk would comply with the Government's risk guidelines. The EIA report had been considered and endorsed by the Advisory Council on the Environment. According to the AA's revised EIA report, several layers of bund walls and containment would be provided and a safety distance (i.e. 28.5m) greater than that recommended by the international guideline (i.e. 15m) had been set from the nearest tank wall to the PAFF outer boundary.

38. In response to the Chairperson's enquiry on the possibility of relocating the four storage tanks to the area zoned "OU(RPP)", Mr. Elvis Au said that the EcoPark was a major Government's commitment and had already been built. The first batch of tenancy in Phase 1 of the Ecopark had been awarded. The applicant's new proposal would have a very serious impact on and would frustrate the implementation of the EcoPark. Moreover, there was no sufficient information, such as design of bund walls, emergency vehicular access and safety distance, provided by the applicant to address the potential environmental and risk impacts on the surroundings.

39. Referring to the applicant's request to the Board to reassess the approved planning applications No. A/TM/289 and A/TM/312, the Secretary said that PAFF was applied as a "Utility Installation not Ancillary to the Specified Use" which was a Column 2 use of the "OU(SIA)" zone. The Committee at that time had taken account of relevant planning considerations including the environmental assessments and local objections when

making a decision on these two applications. All the information contained in these two applications had clearly stated that the site would be used for PAFF. Under the Town Planning Ordinance, there was no provision for the Board to revoke its planning permission. The proposed amendment to the Notes of the “OU(SIA)” zone therefore would not nullify the planning permission that had been granted by the Board for PAFF, even if the Committee agreed to the s.12A application.

40. The Chairperson concluded that as the planning intention of Tuen Mun Area 38 was for development of a special industries area, the inclusion of ‘OOPP’ uses in Column 2 of the Notes of the “OU(SIA)” zone was considered appropriate. There was no justifiable reason submitted by the applicant for amending the Notes of the “OU(SIA)” to remove provisions for PAFF or other oil depot development in the area. Members agreed.

41. After deliberation, the Committee decided not to agree to the application for amendment and the reasons were :

- (a) the inclusion of “Oil Depot, Oil Refinery and Petrol-chemical Plant” uses in Column 2 of the Notes of the “Other Specified Uses” annotated “Special Industries Area” (“OU(SIA)”) zone was appropriate as the planning intention of Tuen Mun Area 38 was for development of a special industries area; and
- (b) there was no land use compatibility problem, and the safety and environmental acceptability of Permanent Aviation Fuel Facility (PAFF) had been confirmed by concerned departments. There was no justifiable reason for amending the Notes of “OU(SIA)” zone to remove provisions for PAFF and other oil depot development in the area.

[A short break of 10 minutes was taken.]

[Mr. Edmund K.H. Leung returned to join the meeting at this point.]

[Open Meeting (Presentation and Question Sessions Only)]

- (ii) Y/YL/2 Application for Amendment to the Draft Yuen Long Outline Zoning Plan No. S/YL/16 from “Comprehensive Development Area”, “Open Space”, “Village Type Development” and “Road” to “Government, Institution or Community” zone, Government Land Covering West Rail Yuen Long Station and the Associated Public Transport Interchange in Area 15, Yuen Long
(RNTPC Paper No. Y/YL/2)
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42. Mr. Wilson Y.L. So, District Planning Officer/Tuen Mun and Yuen Long (DPO/TMYL), Mr. W.M. Lam, Senior Town Planner/Tuen Mun and Yuen Long (STP/TMYL), and the following applicants and applicants’ representatives were invited to the meeting at this point:

Mr. Cheung Kwok Lun]	
Mr. Chow Yiu Cheung, Clement]	
Ms. Ho Lai Ming]	
Ms. Kam Sin Yee]	
Ms. Lai Kam Fung]	
Ms. Lai Kin Ching]	
Ms. Law Ka Man]	the Applicants
Mr. Li Sang]	
Mr. Mak Ip Sing, Yuen Long District Councillor]	
Mr. Mak Wing Kong]	
Mr. Man Kit Hing]	
Mr. Tang Wing Ming]	
Mr. Wong Wai Yin, Yuen Long District Councillor]	
Dr. Chan Ka Lok]	
Ms. Cheung Ching Wah]	
Mrs. Ho Leung Yat Suk]	the Applicants’
Mr. Lee Wai Ming]	Representatives

Hon. Leung Yiu Chung, Legislative Councillor]

Mr. Sey Tat Kwong]

Presentation and Question Sessions

43. The Chairperson then invited Mr. W.M. Lam, STP/TMYL, to brief Members on the background of the application. Mr. Lam presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application for amendment to the draft Yuen Long Outline Zoning Plan No. S/YL/16;
- (b) proposed rezoning from “Comprehensive Development Area” (“CDA”), “Open Space”, “Village Type Development” and “Road” to “Government, Institution or Community” (“G/IC”) zone;
- (c) departmental comments – the District Lands Officer/Yuen Long, the Chief Estate Surveyor/Railway Development of Lands Department and the Government Engineer/Railway Development (1) of Highways Department did not support the application for reasons as stated in paragraphs 9.1.1 to 9.1.3 of the Paper;
- (d) during the statutory publication period, a total of 1,793 public comments were received. During the statutory publication period of further information, a total of 1,094 public comments were received. Nearly all commenters were in support of the application. The details of the public comments were set out in paragraph 10 of the Paper; and
- (e) the Planning Department (PlanD)’s views – PlanD did not support the application for reasons given in paragraphs 11.1 to 11.3 of the Paper. There was adequate land reserved in Yuen Long New Town for the development of local Government, institution or community (GIC) facilities to cope with the long-term requirement of the planned population in the Yuen Long New Town, there was no strong justification to rezone the subject site to “G/IC”, the “CDA” zoning at the site was considered

appropriate, and the proposed “CDA” development was considered sustainable in environmental, traffic and infrastructural terms.

44. The Chairperson then invited the applicants and the applicants’ representatives to elaborate on the application.

45. With the aid of television clips, Mr. Mak Ip Sing pointed out that the northern site was currently occupied by West Rail Yuen Long Station (WRYLS). The southern site was a piece of Government land being occupied by a bus terminus, a taxi stand, a public toilet and amenity area. The subject site was the only piece of Government land available in Yuen Long East, which should be used for development of GIC facilities to serve the existing population of 142,000 and the planned population of 196,000 in Yuen Long Town.

46. With the aid of powerpoint presentation, Mr. Sey Tat Kwong made the following main points:

- (a) the Kowloon-Canton Railway Corporation (KCRC)’s proposed development with tall buildings lining up in a row without much spaces in between would create wall effect adversely affecting the air quality and light penetration to the surrounding developments. Sun Yuen Long Centre (SYLC) would be encircled on all sides by the KCRC’s proposed development;
- (b) the KCRC’s proposed development was incompatible with the surrounding low-density traditional walled villages, including Sai Pin Wai, Nam Pin Wai, Tung Tau Tsuen, Tsoi Uk Tsuen, Ying Lung Wai, Tai Wai Tsuen, Wong Uk Tsuen and San Pui Tsuen;
- (c) the massive intensity of the KCRC’s proposed development was due to the inclusion of the existing open space, bus terminus, footbridge, pavement and public facilities, etc. into site area for plot ratio calculation for the purpose of gaining profits;
- (d) the site was currently occupied by a bus terminus, a public toilet and amenity area, which served as a green lung for the area. It was queried

how the sky gardens of the KCRC's proposed development could compensate the tree felling at the site;

- (e) the site was at an area with underground cavern. Since the construction of WRYLS in 1997, cracks had already appeared in the podium, driveway, external wall, swimming pool, pedestrian walkway and shopping arcade of SYLC. The KCRC's proposed development would further threaten the structural safety of SYLC;
- (f) the foundations for the KCRC's proposed development at the northern site had been constructed before obtaining planning approval from the Town Planning Board (the Board). This contravened the Building (Construction) Regulations that any foundation works could not be carried out without prior approval;
- (g) the role of KCRC as an agent to submit development proposal for the "CDA" site seemed to be in conflict with its role as a developer of SYLC. As the principal owner of SYLC, it was queried why KCRC had not consulted the owners of SYLC; and
- (h) the KCRC's proposed development and SYLC were only a few metres apart at some locations. The distances between towers were so narrow that the residents could reach out to their neighbours through the windows and their privacy would adversely be affected. The close proximity of towers would also pose potential risk to the residents in case of fire breakout.

47. Hon. Leung Yiu Chung made the following main points:

- (a) Yuen Long Town was currently subject to high population growth and serious traffic congestion. With the population intake of YOHO Town Developments and The Parcville involving more than 30,000 persons, the community had already put under tremendous pressure. It was queried whether the transport infrastructure would be able to cope with the increase in population. As all the activities were concentrated in the

Town Centre where the road networks were congested and overloaded, the road safety of the local community was under threat. The problem would be aggravated with the additional population generated by the KCRC's proposed development; and

- (b) the population growth in Yuen Long induced pressure in demanding more community facilities, such as hospital. The existing GIC facilities were built in the 80's and had become obsolete. The site could serve as a decanting site to facilitate rebuilding/redeveloping of some of the old and obsolete GIC facilities and to cope with the increase in population. Apart from easing the residents' worry on the wall and screening effect as well as the air pollution and ventilation concerns, the proposed GIC development, with no population increase, could also ease the shortage of GIC or the other facilities.

48. With the aid of powerpoint presentation, Mr. Chow Yiu Cheung made the following main points:

- (a) the site was originally zoned "G/IC" on the Yuen Long OZP No. S/YL/2 in 1995. The intention of this s.12A application was primarily to revert to the original zoning of the site;
- (b) Yuen Long district had experienced a tremendous population growth. At present there was not enough land reserved to meet the anticipated demand on GIC facilities. The site was the only piece of Government land available at Yuen Long Town East to provide GIC facilities. It should therefore not be used for private developments;
- (c) most of GIC facilities and open space were concentrated in Yuen Long West. Yuen Long East comprised mainly comprehensive developments with only an indoor recreation centre. The various existing Government facilities were either scattered in various private developments or located in the fringe area of the Town. Some of them were old, deteriorated and built more than 30 years ago. There was a need for a new Government office building to accommodate the various GIC facilities;

- (d) more GIC facilities should be provided to serve the local residents, such as public library, youth centre, community hall, community centre and Government complex (for post office, immigration, transport, licensing, labour, marriage, lands administration, planning, law, social welfare, telecommunication, broadcasting, environmental protection and road services etc.); and
- (e) constructing Government office building / GIC facilities at the site would help ease the local residents' demand for GIC facilities and save Government money in renting offices in private developments.

49. Dr. Chan Ka Lok made the following main points:

- (a) the Committee should take account of the 2,885 supporting letters from Legislative Councillors, Yuen Long District Councillors, local villagers and residents. Public participation should be encouraged, rather than just public consultation in the planning process. Providing GIC facilities at the site would provide an opportunity for the residents to work with the Government and represent a gesture of respecting public comments and villagers' rights;
- (b) the public and residents of SYLC had not been properly consulted on KCRC's proposed development. Besides, dialogue between KCRC and the residents was insufficient;
- (c) the Chief Executive had pointed out that it was necessary to review the land use planning in Hong Kong. Public interest should be the guiding principle in land use planning. The KCRC's proposed development was not in line with the Government's policy of 'Action Blue Sky Campaign' and the 'people-oriented' approach; and
- (d) the Committee was requested to consider the application fairly and impartially from the public perspective instead of private interest. A review of KCRC's proposed development was required. KCRC, as a

quasi-government public transport operator, should bear its social responsibility to protect the environment and respect the community aspiration.

50. Mr. Wong Wai Yin made the following main points:

- (a) Yuen Long Town had already suffered from family social problems arising from high population density and development intensity. The hospitals in the district were not able to cope with the community needs;
- (b) it was queried why the relevant Government departments raised no specific request for extra land to accommodate GIC facilities. There was inadequate provision of GIC and recreational facilities to serve the local community;
- (c) to address the above problems, the site should be rezoned to "G/IC". In view of its good accessibility and prime location, the site would be considered for development of a 'sports and recreation centre' consolidating various GIC and recreational facilities;
- (d) on the other hand, since the existing Government facilities were located in various private developments, a Government office building could also be considered to centralise all the Government services; and
- (e) the above proposals would not only improve the living environment of local residents but also benefit a wider community of people living along West Rail.

51. Mr. Mak Wing Kong made the following main points:

- (a) like other residents living in The Parcville, the intention of moving in Yuen Long was to look for a good living environment and to improve the quality of life;
- (b) KCRC's proposed developments would have adverse impact on the

surrounding environment and create ‘wall effect’ which in turn would prevent air ventilation, block the sunlight and result in breeding of bacteria and germs. This would threaten the hygiene and health of the residents in the area;

- (c) it was important to bear in mind that the definition of sustainable development was ‘development that met the needs of the present without compromising the ability of future generations to meet their own needs’; and
- (d) the approval of the KCRC’s proposed development by the Board was untimely as it was ahead of the outbreak of SARS in 2003 and bird flu in 2005. Rezoning of the site to “G/IC” would prevent such adverse impacts and relieve the density in the crowded environment. The society’s benefit and the residents’ health should not be compromised for the private interest.

52. Mr. Mak Ip Sing concluded with four Chinese words 「理性規劃，尊重民意」 and summarised that :

- (a) the proposed development at WRYLS should be treated as an individual case and should not be related to other KCRC’s property development;
- (b) the Chief Executive had pointed out that it was necessary to review the land use planning in Hong Kong, which should be in line with the Government’s policy of ‘Action Blue Sky Campaign’ and the ‘people-oriented’ approach. The public interest should be highly respected;
- (c) there was inadequate provision of GIC facilities and open space to tally with the population growth in Yuen Long district. The site was the only Government land available at Yuen Long Town East to provide GIC facilities. It was proposed to rezone the site to “G/IC” to serve the local community; and

- (d) the application was supported by various parties and the general public. Yuen Long District Council (YLDC) endorsed the proposal to rezone the site to “G/IC”. The implementation and provision of GIC facilities was the common aspiration of YLDC and Yuen Long residents.

53. The Chairperson remarked that property development could be one of the financial arrangements in funding the development of transport infrastructure. In response, Mr. Wong Wai Yin said that KCRC’s proposed development should not be proceeded at the expense of the public interest. KCRC, being owned by the Government, revenue generated from property development would go into the public purse. He doubted whether the Government really needed the profit gained in the property development at WRYLS to finance infrastructural developments. Members were invited to visit Yuen Long New Town to have an understanding of the various issues and concerns raised by the applicants. The Secretary drew Members’ attention that assessment of the application should focus on land use planning matters. Government cost or revenue should not be a relevant consideration. A Member supplemented that the Committee was familiar with the site and its surrounding areas and would consider the application based on planning considerations and public comments.

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

Deliberation Session

55. Referring to paragraph 11.2(c) of the Paper, a Member asked whether the proposed KCRC’s development could still be implemented with the approved Master Layout Plan (MLP) even if the site was rezoned to other uses. The Chairperson replied in the affirmative and added that under the Town Planning Ordinance, there was no provision for the Board to revoke the planning permission granted to KCRC even if the site was rezoned to “G/IC”.

56. Another Member opined that the proposed KCRC's development as all residential buildings would need to satisfy the relevant requirements under the Buildings Ordinance such as prescribed windows. In so doing, there should be sufficient separating distances between buildings.

57. The Secretary said that the main arguments raised by the applicants were the provision and conditions of GIC facilities. As mentioned by the PlanD, about 12 ha. of land had been reserved for development of local GIC facilities to meet the population growth in the area. Moreover, GIC facilities suggested by the applicants, including public library, Government office complex, community hall, indoor recreational centre, elderly centre, children and youth centre, public garden/park, study room, multi-storey car park and stadium, had already been provided in Yuen Long Town as indicated in Appendix VII of the Paper. Relevant Government departments raised no specific request for extra land to accommodate such facilities. With regard to the deteriorating condition of the existing GIC facilities, this fell outside the purview of the Board. As the Board had already approved the MLP submission for the "CDA" site and the proposed development was considered sustainable in environmental, traffic and infrastructural terms, KCRC could still implement the project even if the site was rezoned to other uses. There was no provision under the Town Planning Ordinance allowing the Board to withdraw the approval granted to KCRC.

58. Members were in general sympathetic towards the applicants' situation. Noting that KCRC was exploring ways to address the residents' concerns, some Members considered that there was scope for improving the layout of the proposed development. KCRC should review and fine-tune its scheme and conduct an air ventilation assessment in the process, as appropriate. The revised scheme could then be submitted to the Committee for consideration. A Member requested the Secretariat to relay the residents' concerns to KCRC and urged them to review their development proposal at the subject site as far as possible. KCRC should also be advised to maintain a close dialogue with the YLDC and residents of the surrounding area with a view to formulating a better scheme.

59. The Chairperson remarked that it was the Board's mandate to assess the application on land use planning considerations. Since the applicants had not provided strong justifications for the proposed "G/IC" zoning of the site and there was adequate land reserved for provision of GIC facilities, there was no strong justification for amending the "CDA" zone which had been established through technical studies and thorough assessments

and gone through a due statutory plan-making process.

60. As regards to the applicants' invitation to the Yuen Long Town, Members were familiar with the site and its surroundings and considered not necessary to conduct a special visit. The Secretary recalled that Members of the Board had previously visited the Yuen Long and Tin Shui Wai areas.

61. After deliberation, the Committee decided not to agree to the application for amendment and the reasons were :

- (a) there was adequate land reserved in Yuen Long New Town for the development of local GIC facilities to cope with the long-term requirement of the planned population in the Yuen Long New Town. There was no strong justification to rezone the subject site to "Government, Institution or Community";
- (b) the site was located at the prime location of strategic transport node. The "Comprehensive Development Area" ("CDA") zoning intended for comprehensive commercial and residential development at the site was considered appropriate as it would optimize the use of valuable land resources; and
- (c) the Board had already approved the Master Layout Plan submission for the "CDA" site and the proposed development was considered sustainable in environmental, traffic and infrastructural terms. Other technical concerns including construction nuisances, fire risk, geotechnical safety, etc. about the Kowloon-Canton Railway Corporation's proposed comprehensive residential/commercial development at the site could be addressed by the project proponent at the detailed design and implementation stage.

62. The Committee agreed that the Secretariat should convey the residents' concerns to KCRC and urge them to review their development proposal at the subject site as far as possible. The Committee also agreed to advise KCRC to maintain a close dialogue with the YLDC and residents of the surrounding area with a view to formulating a better scheme. The revised scheme should be submitted to the Committee for consideration.

[A short break of 10 minutes was taken.]

[Mr. Michael K.C. Lai returned to join the meeting at this point.]

[Mr. Wilson Y.L. So, DPO/TMYL, Mr. Wilson W.S. Chan and Mr. W.M. Lam, STPs/TMYL, were invited to the meeting at this point.]

Agenda Item 5

[Open Meeting (Presentation and Question Sessions Only)]

Proposed Amendments to the
Draft Tuen Mun Outline Zoning Plan No. S/TM/22
(RNTPC Paper No. 14/07)

Presentation and Question Sessions

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

- (a) background to the proposed amendments to the draft Tuen Mun Outline Zoning Plan (OZP) No. S/TM/22;
- (b) the proposed amendments were to reflect uses with firm development programme and rationalise the zoning boundaries of completed developments; and
- (c) departmental comments – no adverse comments from concerned Government departments were received.

64. Members had no question on the proposed amendments.

Deliberation Session

65. After deliberation, the Committee decided to :

- (a) agree to the proposed amendments to the draft Tuen Mun OZP No. S/TM/22 and that the Amendment Plan No. S/TM/22A (to be renumbered as S/TM/23 upon gazetting) and the Notes of the Amendment Plan were suitable for exhibition for public inspection under section 7 of the Town Planning Ordinance;
- (b) adopt the updated Explanatory Statement (ES) as an expression of the planning intention and objectives of the Town Planning Board for various land use zonings on the draft Tuen Mun OZP; and
- (c) agree that the updated ES was suitable for exhibition for public inspection together with the draft Tuen Mun OZP.

Agenda Item 6

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

- (i) A/TM/358 Proposed Comprehensive Residential Development with Ancillary Club House in “Comprehensive Development Area” zone, Lots 398RP, 406RP, 407, 408RP, 409, 410RP, 411RP, 412B, 412RP, 413, 442RP, 443RP, 444, 445A, 445RP, 446A, 446RP, 447, 448, 449, 450, 451, 453(Part), 454, 455, 456, 457, 458, 459(Part), 462(Part), 464RP, and 466RP in DD 374 and Lots 248RP, 249ARP, 249B, 250RP, 251, 253(Part) and 255RP(Part) in DD 375 and Adjoining Government Land, So Kwun Wat, Tuen Mun
(RNTPC Paper No. A/TM/358)
-

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

apologies for being not able to attend the meeting. As the Paper was on the applicant's request to defer consideration of the application, Members agreed that Mr. Cheng did not need to leave the meeting.

Presentation and Question Sessions

67. The Committee noted that on 7.8.2007, the applicant requested the Town Planning Board (the Board) to defer consideration of the application in order to address comments from Government departments.

Deliberation Session

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

[Open Meeting (Presentation and Question Sessions Only)]

- (ii) A/TM-LTY Y/156 Temporary Open Storage of Vehicle Parts
for a Period of 3 Years
in "Green Belt" zone,
Lot 2527RP(Part) in DD 130,
Tuen Mun

(RNTPC Paper No. A/TM-LTY Y/156)

[Mr. B.W. Chan returned to join the meeting during the presentation session.]

Presentation and Question Sessions

69. Mr. Wilson W.S. Chan, STP/TMYL, presented the application and covered the

following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the temporary open storage of vehicle parts for a period of 3 years;
- (c) departmental comments – the Assistant Commissioner for Transport/New Territories of Transport Department did not support the ingress/egress point at the southern side of the site. The Director of Environmental Protection did not support the application as the development would likely cause environmental nuisance to the sensitive receivers in the vicinity. The Chief Town Planner/Urban Design and Landscape of Planning Department objected to the application from landscape planning perspective;
- (d) no public comment was received during the statutory publication period; and
- (e) the Planning Department (PlanD)’s views – PlanD did not support the application for reasons given in paragraph 12.2 of the Paper. The development was not in line with the planning intention of “Green Belt” zone, and was not compatible with the residential dwellings in the vicinity. There was no relevant technical assessments/proposals submitted to demonstrate that the use would not generate adverse environmental, traffic and landscape impacts on the surrounding areas, and the approval of the application would set an undesirable precedent.

70. Members had no question on the application.

Deliberation Session

71. The Chairperson remarked that as the application was not in line with the Town Planning Board Guidelines for Application for Open Storage and Port Back-Up Uses, the application was not supported.

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

reasons were :

- (a) the development was not in line with the planning intention of the “Green Belt” (“GB”) zone which was to define the limits of urban and suburban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets. There was a general presumption against development within this zone. There was no strong justification in the submission for a departure from such planning intention, even on a temporary basis;
- (b) the development was not compatible with the residential dwellings in the vicinity;
- (c) the application was not in line with the general intention of Town Planning Board Guidelines for Application for Open Storage and Port Back-Up Uses in that the site did not have any previous planning approvals, adverse departmental comments were received and no relevant technical assessments/proposals were submitted to demonstrate that the use would not generate adverse environmental, traffic and landscape impacts on the surrounding areas; and
- (d) no similar applications were previously approved in the “GB” zone. The approval of the application would set an undesirable precedent, the cumulative impact of approving the application in the area would lead to a general degradation of the environment of the area.

[Open Meeting (Presentation and Question Sessions Only)]

- (iii) A/TM-SKW/53 Temporary Open Storage of Recycled Plastic Materials with Ancillary Workshop for a Period of 3 Years in “Village Type Development” zone, Lot 648B and 648RP in DD 375, So Kwun Wat, Tuen Mun
(RNTPC Paper No. A/TM-SKW/53)
-

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the temporary open storage of recycled plastic materials with ancillary workshop for a period of 3 years;
- (c) departmental comments – the Director of Environmental Protection did not support the application as the development would likely cause environmental nuisance to the sensitive receivers in the vicinity. The Chief Engineer/Mainland North of Drainage Services Department did not support the application from flood control and prevention point of view. The Chief Town Planner/Urban Design and Landscape of Planning Department objected to the application from landscape planning point of view;
- (d) during the statutory publication period, two public comments were received objecting to the application on the grounds of potential risk generated by the development on the nearby residents. The District Officer/Tuen Mun received a compliant raising concern on the recycling activities and its associated adverse impacts on the surroundings; and
- (e) the Planning Department (PlanD)’s views – PlanD did not support the

application for reasons given in paragraphs 12.2 and 12.3 of the Paper. The development was not in line with the planning intention of the “Village Type Development” zone, and was not compatible with the village houses/residential dwellings in the vicinity. There was also insufficient information in the submission to demonstrate that the development would not generate adverse environmental, drainage and landscape impacts on the surrounding areas, and the approval of the application would set an undesirable precedent.

74. Members had no question on the application.

Deliberation Session

75. The Chairperson remarked that as the temporary use was not in line with the Town Planning Board Guidelines for Application for Open Storage and Port back-up uses, the application should not be approved.

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

- (a) the development was not in line with the planning intention of the “Village Type Development” (“V”) zone which was to designate both existing recognised villages and areas of land considered suitable for village expansion. Land within “V” zone was primarily intended for development of Small Houses by indigenous villagers. It was also intended to concentrate village type development within this zone for a more orderly development pattern, efficient use of land and provision of infrastructures and services. No strong justification had been given in the submission for a departure from such planning intention, even on a temporary basis;
- (b) the development was not compatible with the village houses/residential dwellings in the vicinity. There was also insufficient information in the submission to demonstrate that the development would not generate adverse environmental, drainage and landscape impacts on the surrounding

areas;

- (c) the application was not in line with the general intention of Town Planning Board Guidelines for Application for Open Storage and Port back-up uses in that the site did not have any previous planning approvals, adverse departmental comments were received and no relevant technical assessments/proposals were submitted to demonstrate that the use would not generate adverse environmental, drainage and landscape impacts on the surrounding areas; and
- (d) no similar applications were previously approved in the “V” zone. The approval of the application would set an undesirable precedent, the cumulative impact of approving the application in the area would lead to a general degradation of the environment of the area.

[Open Meeting (Presentation and Question Sessions Only)]

- (iv) A/YL-HT/502 Proposed Public Utility Installation
(Telecommunications Radio Base Stations)
in “Green Belt” zone,
Government Land near Kong Sham Western Highway
(Ha Tsuen Section),
Ha Tsuen,
Yuen Long
(RNTPC Paper No. A/YL-HT/502)
-

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed public utility installation (telecommunications radio base station);

- (c) departmental comments – the Chief Town Planner/Urban Design and Landscape of Planning Department did not support the application from visual and landscape point of view;
- (d) during the statutory publication period, one public comment was received objecting to the application on fung shui ground; and
- (e) the Planning Department (PlanD)'s views – PlanD did not support the application for reasons given in paragraphs 12.1 and 12.2 of the Paper. The proposed development was not compatible with the surrounding natural environment and would cause adverse visual and landscape impacts on the surrounding environment. There was insufficient information in the submission to demonstrate the absence of suitable alternative site for the proposed development.

78. Mr. Wilson Chan added that three replacement pages (pages 5, 9 and Plan A-2) were tabled at the meeting for Members' reference.

79. Members had no question on the application.

Deliberation Session

80. The Chairperson remarked that as the proposed installation was not compatible with the surrounding natural environment and would cause adverse visual and landscape impacts on the surrounding environment, the application should not be approved.

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

- (a) the proposed development was not compatible with the surrounding natural environment and would cause adverse visual and landscape impacts on the surrounding environment; and
- (b) there was insufficient information in the submission to demonstrate the

absence of suitable alternative site for the proposed development.

[Open Meeting (Presentation and Question Sessions Only)]

- (v) A/YL-ST/337 Temporary Public Vehicle Park
(excluding container vehicle) for a Period of 3 Years
in “Green Belt” zone,
Lot 372DRP(Part) in DD 99,
San Tin,
Yuen Long
(RNTPC Paper No. A/YL-ST/337)
-

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the temporary public vehicle park (excluding container vehicle) for a period of 3 years;
- (c) departmental comments – no objection from concerned Government departments was received;
- (d) no public comment was received during the statutory publication period; and
- (e) the Planning Department (PlanD)’s views – PlanD considered that the temporary use could be tolerated for reasons given in paragraphs 12.2 and 12.3 of the Paper. A shorter approval period of two years was recommended so as to monitor the possible change of parking needs of San Tin area upon opening of the Lok Ma Chau Spur Line.

83. Members had no question on the application.

Deliberation Session

84. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 2 years up to 24.8.2009, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no vehicles without valid licences issued under the Road Traffic Ordinance were allowed to be parked/stored on site during the planning approval period;
- (b) no heavy vehicles including lorries and container vehicles were allowed to be parked on site;
- (c) no car washing and vehicle repairing workshop were allowed on the site;
- (d) the submission of a landscape and 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 24.2.2008;
- (e) in relation to (d) above, the implementation of a landscape and tree preservation proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 24.5.2008;
- (f) the submission of Drainage Impact Assessment (DIA) within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 24.2.2008;
- (g) in relation to (f) above, the implementation of the flood mitigation measures and drainage facilities identified in the DIA within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 24.5.2008;
- (h) 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 24.2.2008;

- (i) the provision of fencing and paving of the site within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 24.2.2008;
- (j) 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;
- (k) if any of the above planning conditions (d), (e), (f), (g), (h) or (i) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and
- (l) upon the expiry of the planning permission, the reinstatement of the site to an amenity area to the satisfaction of the Director of Planning or of the TPB.

85. The Committee agreed that the applicant should be reminded that prior planning permission should have been obtained before commencing the applied use at the site.

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

- (a) shorter approval period was granted so as to monitor the possible change of parking needs of San Tin area upon opening of the Lok Ma Chau Spur Line;
- (b) resolve any land issue relating to the development with the concerned owner(s) of the site;
- (c) note the District Lands Officer/Yuen Long, Lands Department's comments on the need to apply to his Office for regularization of the erection of

structure(s) on the site;

- (d) note the Chief Engineer/Mainland North, Drainage Services Department's comments that no public stormwater drainage/public sewerage maintained by his office was currently available for connection; and the applicant should review his drainage proposal/works as well as site boundary in order not to cause encroachment upon areas outside his jurisdiction;
- (e) follow the latest "Code of Practice on Handling Environmental Aspects of Open Storage and Temporary Uses" issued by Environmental Protection Department to minimize potential environmental impacts on the surrounding areas;
- (f) note the Chief Highway Engineer/New Territories West, Highways Department's comments that his Department was not/should not be responsible for the maintenance of any existing vehicular access connecting the site and Castle Peak Road – Chau Tau; and
- (g) note the Chief Building Surveyor/New Territories West, Buildings Department's comments that the granting of planning approval should not be construed as condoning to any structures existing on the site under the Buildings Ordinance (BO) and the allied regulations. Actions appropriate under the BO or other enactment might be taken if contravention was found. Use of container as offices were considered as temporary buildings and subject to control under the Building (Planning) Regulations Part VII. Formal submission of any proposed new works including any temporary structure for approval under the BO was required.

[Open Meeting (Presentation and Question Sessions Only)]

(vi) A/YL-LFS/161 Temporary Open Storage of Marble with Workshop
for a Period of 3 Years
in “Recreation” zone,
Lots 2216(Part) and 2217 in DD 129,
Lau Fau Shan,
Yuen Long

(RNTPC Paper No. A/YL-LFS/161)

(vii) A/YL-LFS/162 Temporary Open Storage of Marble with Workshop
for a Period of 3 Years
in “Recreation” zone,
Lots 2094(Part), 2231RP(Part), 2233(Part), 2234
and 2235 in DD 129 and Adjoining Government Land,
Lau Fau Shan,
Yuen Long

(RNTPC Paper No. A/YL-LFS/162)

87. Noting that the two applications were similar in nature and the sites were within the same “Recreation” zone, Members agreed that the applications could be considered together.

Presentation and Question Sessions

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

- (a) background to the two applications;
- (b) both of the applications were for the temporary open storage of marble with workshop for a period of 3 years;
- (c) departmental comments – the Director of Environmental Protection (DEP) did not support both applications as they would cause potential environmental nuisance on the nearby sensitive receivers;

- (d) during the statutory publication period, one public comment was received objecting to application No. A/YL-LFS/161 for potential noise and dust pollutions. After the statutory publication period, one public comment objecting to application No. A/YL-LFS/162 on environmental ground was received but it was filed out-of-time; and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary uses could be tolerated for reasons given in paragraphs 12.2 and 12.3 of the Papers. As regards DEP's and the local's concern, there was no pollution complaint against the sites over the last three years and the applicant had already provided a 2.5m high barrier at the perimeter surrounding the sites. Appropriate approval conditions were also recommended to minimise the potential impact on the environment. A shorter approval period of two years and shorter compliance periods were recommended so as to monitor the situation of the sites and allow time for the applicant to relocate his business to other suitable locations.

89. Members had no question on the two applications.

Deliberation Session

90. After deliberation, the Committee decided to approve application No. A/YL-LFS/161 on a temporary basis for a period of 2 years up to 24.8.2009, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no night time operation between 7:00 p.m. and 7:00 a.m. was allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays was allowed on the site during the planning approval period;
- (c) no vehicle exceeding 5.5 tonnes, including heavy goods vehicle and container trailer, was allowed for the operation of the site at any time

during the planning approval period;

- (d) the landscape planting on the site should be maintained at all times during the planning approval period;
- (e) the drainage facilities implemented on the site under Application No. A/YL-LFS/111 should be maintained at all times during the planning approval period;
- (f) the submission of a condition record of the existing drainage facilities within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 24.11.2007;
- (g) the submission of fire service installations proposals within 3 months from the date of planning approval to the satisfaction of Director of Fire Services or of the TPB by 24.11.2007;
- (h) in relation to (g) above, the provision of fire service installations within 6 months from the date of planning approval to the satisfaction of Director of Fire Services or of the TPB by 24.2.2008;
- (i) the submission of run-in proposals within 3 months from the date of planning approval to the satisfaction of the Director of Highways or of the TPB by 24.11.2007;
- (j) in relation to (i) above, the implementation of the run-in proposals within 6 months from the date of planning approval to the satisfaction of the Director of Highways or of the TPB by 24.2.2008;
- (k) if any of the above planning conditions (a), (b), (c), (d) or (e) was not complied with during the approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (l) if any of the above planning conditions (f), (g), (h), (i) or (j) was not

complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and

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

91. The Committee agreed that the applicant should be reminded that prior planning permission should have been obtained before commencing the applied use at the site.

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

- (a) a shorter approval period of two years and shorter compliance periods were granted so as to monitor the situation of the site and allow time for the applicant to relocate his business to other suitable locations;
- (b) to resolve any land issues relating to the development with the concerned owner(s) of the site;
- (c) to note the comments of District Lands Officer/Yuen Long that the lots under application were Old Schedule Agricultural Lots held under the Block Government Lease under which no structures were allowed to be erected without prior approval from his office, and to apply to his office for Short Term Wavier;
- (d) 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;
- (e) to note the comments of the Assistant Commissioner for Transport/New Territories, Transport Department that the management/maintenance responsibilities of the road/path/track leading to the site should be clarified, and the relevant lands and maintenance authorities should be consulted accordingly;

- (f) to note the Chief Highway Engineer/New Territories West, Highways Department (HyD)'s comments to construct a run-in at the access point in accordance with the latest version of HyD Standard Drawing Nos. H1113 and H1114 or H5115 and H5116 whichever set as appropriate to match the type of pavement of adjacent footpath; and
- (g) to note the comments of the Director of Fire Services to submit relevant building plans incorporated with the proposed fire service installations (FSIs) to his Department for approval even though the submission of general building plans was not required under the Buildings Ordinance; to provide explicit information depicting the dimensions and layout of the structures erected within the premises in the FSIs proposals; and to approach his Dangerous Goods Division for advice on licensing of the premises for workshop purposes.

93. After deliberation, the Committee decided to approve the application No. A/YL-LFS/162 on a temporary basis for a period of 2 years up to 24.8.2009, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no night time operation between 7:00 p.m. and 7:00 a.m. was allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays was allowed on the site during the planning approval period;
- (c) no vehicle exceeding 5.5 tonnes, including heavy goods vehicle and container trailer, was allowed for the operation of the site at any time during the planning approval period;
- (d) the landscape planting on the site should be maintained at all times during the planning approval period;
- (e) the drainage facilities implemented on the site under Application No. A/YL-LFS/110 should be maintained at all times during the planning

approval period;

- (f) the submission of a condition record of the existing drainage facilities within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 24.11.2007;
- (g) the provision of fire service installations within 3 months from the date of planning approval to the satisfaction of Director of Fire Services or of the TPB by 24.11.2007;
- (h) the submission of run-in proposals within 3 months from the date of planning approval to the satisfaction of the Director of Highways or of the TPB by 24.11.2007;
- (i) in relation to (h) above, the implementation of the run-in proposals within 6 months from the date of planning approval to the satisfaction of the Director of Highways or of the TPB by 24.2.2008;
- (j) if any of the above planning conditions (a), (b), (c), (d) or (e) was not complied with during the approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (k) if any of the above planning conditions (f), (g), (h) or (i) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and
- (l) upon expiry of the planning permission, the reinstatement of the site to an amenity area to the satisfaction of the Director of Planning or of the TPB.

94. The Committee agreed that the applicant should be reminded that prior planning permission should have been obtained before commencing the applied use at the site.

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

- (a) a shorter approval period of two years and shorter compliance periods were granted so as to monitor the situation of the site and allow time for the applicant to relocate the business to other suitable locations;
- (b) to resolve any land issues relating to the development with the concerned owner(s) of the site;
- (c) to note the comments of District Lands Officer/Yuen Long that the lots under application were Old Schedule Agricultural Lots held under the Block Government Lease under which no structures were allowed to be erected without prior approval from his office, and to apply to his office for Short Term Wavier and Short Term Tenancy to regularize the unauthorized structures on site and unauthorized occupation of Government land respectively;
- (d) 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;
- (e) to note the comments of the Assistant Commissioner for Transport/New Territories, Transport Department (TD) that the management/maintenance responsibilities of the road/path/track leading to the site should be clarified, and the relevant lands and maintenance authorities should be consulted accordingly;
- (f) to note the Chief Highway Engineer/New Territories West, Highways Department (HyD)’s comments to construct a run-in at the access point in accordance with the latest version of HyD Standard Drawing Nos. H1113 and H1114 or H5115 and H5116 whichever set as appropriate to match the type of pavement of adjacent footpath, to liaise with the other owners/applicants of the sites to coordinate with each other to construct the run-in, and to seek TD’s agreement on the width of the run-in; and
- (g) to note the comments of the Director of Fire Services to submit relevant building plans incorporated with the proposed fire service installations to

his Department for approval even though the submission of general building plans was not required under the Buildings Ordinance, and to approach his Dangerous Goods Division for advice on licensing of the premises for workshop purposes.

[Open Meeting (Presentation and Question Sessions Only)]

- (viii) A/YL-PH/543 Temporary Dog Training Ground and
Dog Swimming and Recreational Centre
for a Period of 3 Years
in “Residential (Group D)” zone,
Lots 117(Part), 119(Part), 121(Part), 122, 123(Part),
124(Part), 125(Part), 127(Part) and 128(Part) in DD 108
and Adjoining Government Land,
Ta Shek Wu,
Pat Heung,
Yuen Long
(RNTPC Paper No. A/YL-PH/543)
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Presentation and Question Sessions

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

- (a) background to the application;
- (b) the temporary dog training ground and dog swimming and recreational centre for a period of 3 years;
- (c) departmental comments – no objection from concerned Government departments was received;
- (d) no public comment was received during the statutory publication period;
and

- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for reasons given in paragraph 12.1 of the Paper.

97. Members had no question on the application.

Deliberation Session

98. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years up to 24.8.2010, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no night time operation between 6:00 p.m. to 10:00 a.m., as proposed by the applicant, was allowed on the site during the planning approval period;
- (b) the submission of landscape proposals within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 24.2.2008;
- (c) in relation to (b) above, the implementation of landscape proposals within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 24.5.2008;
- (d) the submission of drainage proposals within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 24.2.2008;
- (e) in relation to (d) above, the provision of drainage facilities within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 24.5.2008;
- (f) the submission of fire services installations proposals within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 24.2.2008;

- (g) in relation to (f) above, the provision of fire services installations within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 24.5.2008;
- (h) the submission of run-in/out proposals within 6 months from the date of planning approval to the satisfaction of the Director of Highways or of the TPB by 24.2.2008;
- (i) in relation to (h) above, the provision of run-in/out proposed within 9 months from the date of planning approval to the satisfaction of the Director of Highways or of the TPB by 24.5.2008;
- (j) the submission of contamination control measures proposals within 6 months from the date of planning approval to the satisfaction of the Director of Water Supplies or of the TPB by 24.2.2008;
- (k) in relation to (j) above, the implementation of contamination control measures proposals within 9 months from the date of planning approval to the satisfaction of the Director of Water Supplies or of the TPB by 24.5.2008;
- (l) if the above planning condition (a) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (m) if any of the above planning conditions (b), (c), (d), (e), (f), (g), (h), (i), (j) or (k) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and
- (n) upon the expiry of the planning permission, the reinstatement of the site to an amenity area to the satisfaction of the Director of Planning or of the TPB.

99. The Committee agreed that the applicant should be reminded that prior planning

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

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

- (a) to resolve any land issues relating to the development with the concerned owners of the site;
- (b) to note the District Lands Officer/Yuen Long's comments that no structures were allowed to be erected without prior approval from his office. Furthermore, strips of unleased Government land to the east and west of the site were being occupied without prior approval from his office. Site inspection revealed that 15 structures were erected on various private lots and the unleased Government land of the subject site without prior approval from his office. His office reserved the right to take enforcement action against the irregularity. As the number of structures and their area on the site differed from those stated in the application, the applicant was advised to provide clarification. The applicant should also be advised to apply to his office for regularisation of the erection of unauthorised structures and unauthorised occupation of unleased government land. However, he did not guarantee the approval upon receipt of application;
- (c) to note the Assistant Commissioner for Transport/New Territories, Transport Department (TD)'s comments that the land status of the proposed access road between the site and Fan Kam Road should be checked and the management and maintenance responsibility of the access road leading to the site from Fan Kam Road should be checked;
- (d) to note the Chief Highway Engineer/New Territories West, Highways Department (HyD)'s comments that the access proposal should also be submitted to TD for agreement. If TD agreed, a run-in should be constructed at the access point in accordance with the latest version of HyD Standard Drawing Nos. H1113 and H1114 or H5115 and H5116 whichever set as appropriate to match the pavement type of adjacent footpath. It should be noted that road marking should not be applied on the above mentioned run-in at Fan Kam Road. His office was not/should not be

responsible for the maintenance of any existing vehicular access connecting the site and Fan Kam Road;

- (e) to note the Director of Agriculture, Fisheries and Conservation's comments that if any dog trading activity, animal boarding or animal exhibition business was involved, the development would be subject to licensing requirements from his office;
- (f) to note the Director of Fire Services' comments that detailed fire safety requirements would be formulated upon receipt of formal submission of general building plans. In consideration of the design/nature of the proposed structures, fire services installations (FSIs) were anticipated to be required. Therefore, the applicant was advised to submit relevant building plans incorporated with the proposed FSIs to his department for approval even though the submission of general building plans was not required under the Buildings Ordinance (BO);
- (g) to note the Chief Engineer/Development (2), Water Supplies Department's comments that site was within the flood pumping gathering ground;
- (h) to note the Director of Food and Environmental Hygiene's comment that the applicant should provide cleansing service at his own cost on the site during the period;
- (i) to note the Director of Electrical and Mechanical Services' comments that the "Code of Practice on Working near Electricity Supply Lines" established under the Electricity Supply Lines (Protection) Regulation should be observed by the applicant and his contractors when carrying out works in the vicinity of electricity supply lines. Prior to establishing any structure within the site, the applicant and his contractors should liaise with CLP Power Hong Kong Limited to divert the existing low voltage and shallow cover installation duct lines away from the vicinity of the proposed development;
- (j) to note the Chief Building Surveyor/New Territories West, Buildings

Department's comments that the granting of planning approval should not be construed as condoning to any 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 structure for approval under the BO was required. If the site was not abutting on a street having a width of not less than 4.5m, the development intensity should be determined under Building (Planning) Regulations 19(3) at building plan submission stage; and

- (k) to adopt environmental mitigation measures as set out in the "Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites" issued by the Director of Environmental Protection (DEP) to minimise any possible environmental nuisances. Regarding the sewerage arrangement of the proposed use, the applicant was advised to observe the requirements under the Water Pollution Control Ordinance and the applicant could approach DEP's Regional Office (North) for more details.

[Open Meeting (Presentation and Question Sessions Only)]

- (ix) A/YL-PS/271 Proposed Temporary Car Sale Area
for a Period of 3 Years
in "Residential (Group B)1" and "Road" zones,
Lots 138RP(Part) and 195CRP(Part) in DD 121,
Ping Shan,
Yuen Long
(RNTPC Paper No. A/YL-PS/271)
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Presentation and Question Sessions

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

- (a) background to the application;

- (b) the proposed temporary car sale area for a period of 3 years;
- (c) departmental comments – no objection from concerned Government departments was received;
- (d) during the statutory publication period, one public comment was received objecting to the application on the grounds that there was no public road accessible to the site, and the application was not in line with the planned residential use and would destroy the tranquillity and ecology of the environment; and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for reasons given in paragraphs 11.1 and 11.2 of the Paper. As regards the public comment, there were no known ecological attributes of the site. In view of the temporary nature and small-scale operation of the proposed development, it was unlikely to have significant adverse traffic and environmental impacts on the surrounding areas. Appropriate approval conditions were recommended to minimise any potential impacts on the environment.

102. Members had no question on the application.

Deliberation Session

103. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years up to 24.8.2010, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no goods vehicles of 5.5 tonnes or more, coaches, container vehicles and container trailers were allowed to be parked or stored on the site at any time during the planning approval period;
- (b) no dismantling and repairing of vehicles and other workshop activities were allowed on site at any time during the planning approval period;

- (c) no operation between 6:00 p.m. and 9:00 a.m., as proposed by the applicant, should be carried out at the site during the planning approval period;
- (d) the landscape planting on the site should be maintained at all times during the planning approval period;
- (e) the provision of the accepted 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 24.2.2008;
- (f) the provision of fire service installations within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 24.2.2008;
- (g) if any of the above planning conditions (a), (b), (c) or (d) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (h) if any of the above planning conditions (e) or (f) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and
- (i) upon the expiry of the planning permission, the reinstatement of the site to an amenity area to the satisfaction of the Director of Planning or of the TPB.

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

- (a) any land issues relating to the development with the concerned owner(s) of the site should be resolved;
- (b) note the District Lands Officer/Yuen Long's comments on the need to apply to his office for a Short Term Waiver for the erection of structure(s);

- (c) note the Assistant Commissioner for Transport/New Territories, Transport Department's comments on the clarification of the land status, management and maintenance responsibilities of the road/path/track leading to the site;
- (d) note the Chief Building Surveyor/New Territories West, Buildings Department's comments that use of container as offices and storage were considered as temporary buildings and were subject to control under Building (Planning) Regulations (B(P)R) Part VII. Formal submission of any proposed new works, including any temporary structure for approval under the Buildings Ordinance was required; and
- (e) adopt environmental mitigation measures as set out in the "Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites" issued by the Environmental Protection Department to minimise any possible environmental nuisances.

[Open Meeting (Presentation and Question Sessions Only)]

- (x) A/YL-KTS/404 Temporary Vehicle Repair Workshop
for a Period of 3 Years
in "Agriculture" zone,
Lots 355RP(Part), 356RP(Part), 359RP, 360RP(Part),
361, 362(Part), 363, 364(Part) and 435RP(Part) in DD 103
and Adjoining Government Land,
Ko Po San Tsuen,
Kam Tin,
Yuen Long
(RNTPC Paper No. A/YL-KTS/404)
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Presentation and Question Sessions

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

- (a) background to the application;

- (b) the temporary vehicle repair workshop for a period of 3 years;
- (c) departmental comments – no objection from concerned Government departments was received;
- (d) during the statutory publication period, one public comment was received objecting to the application on the possible noise and dust impacts on the nearby residents; and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for reasons given in paragraphs 11.1 and 11.2 of the Paper. As regards the public comment, approval conditions were recommended to restrict the operation hours and require the provision of boundary fence on site. The applicant would also be advised to follow the 'Code of Practice on Handling Environmental Aspects of Open Storage and Temporary Uses' to minimise any potential impacts on the environment.

106. Members had no question on the application.

Deliberation Session

107. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years up to 24.8.2010, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no night-time operation between 7:00 p.m. and 7:00 a.m. was allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays was allowed on the site during the planning approval period;
- (c) the landscape planting on the site should be maintained at all times during the approval period;

- (d) the provision of 2.5m high boundary fencing within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 24.2.2008;
- (e) the submission of drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 24.2.2008;
- (f) in relation to (e) above, the implementation of drainage proposal within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 24.5.2008;
- (g) the submission of fire service installation proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 24.2.2008;
- (h) in relation to (g) above, the provision of fire service installations within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 24.5.2008;
- (i) if any of the above planning condition (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;
- (j) if any of the above planning conditions (d), (e), (f), (g) or (h) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and
- (k) upon expiry of the planning permission, the reinstatement of the site to an amenity area to the satisfaction of the Director of Planning or of the TPB.

108. The Committee agreed that the applicant should be reminded that prior planning

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

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

- (a) resolve any land issues relating to the development with the concerned owner(s) of the site;
- (b) note the District Lands Officer/Yuen Long's comments that unauthorised structures had been found on the site and Government land within the site had been occupied without prior approval. His office reserved the right to take lease enforcement/land control action. The applicant was reminded to apply for a Short Term Waiver (STW) and Short Term Tenancy (STT) to regularise the irregularities on site. Should no STW/STT application be received/approved and the irregularities persist on site, his office would take appropriate lease enforcement action against the registered owner/occupier;
- (c) note the Chief Highway Engineer/New Territories West, Highways Department's comments that his department was not/should not be responsible for the maintenance of any existing vehicular access connecting the site and Kam Tin Road;
- (d) note the Director of Electrical and Mechanical Services' comments that prior to establishing any structure within the site, he and his contractors should liaise with CLP Power Hong Kong Limited in respect of the safety clearances required for activities near the overhead lines. He and his contractors should also observe the 'Code of Practice on Working near Electricity Supply Lines' established under the Electricity Supply Lines (Protection) Regulation when carrying out works in the vicinity of electricity supply lines;
- (e) consult the Dangerous Goods Division, Licensing & Certification Command of Fire Services Department regarding licensing of the premises for storage/use of dangerous goods; and

- (f) follow the latest ‘Code of Practice on Handling Environmental Aspects of Open Storage and Temporary Uses’ issued by the Environmental Protection Department.

[Open Meeting (Presentation and Question Sessions Only)]

- (xi) A/YL-TT/210 Temporary Open Storage of Detergent
for a Period of 3 Years
in “Agriculture” and “Open Storage” zones,
Lot 1506(Part) in DD 117
and Adjoining Government Land,
Tai Tong,
Yuen Long

(RNTPC Paper No. A/YL-TT/210)
- (xii) A/YL-TT/211 Proposed Temporary Open Storage of Advertising Materials
for a Period of 3 Years
in “Agriculture” and “Open Storage” zones,
Lot 1506(Part) in DD 117,
Tai Tong,
Yuen Long

(RNTPC Paper No. A/YL-TT/211)
- (xiii) A/YL-TT/212 Temporary Open Storage of Household Products
for a Period of 3 Years
in “Agriculture” and “Open Storage” zones,
Lot 1506(Part) in DD 117,
Tai Tong,
Yuen Long

(RNTPC Paper No. A/YL-TT/212)

110. Dr. James C.W. Lau, having current business dealings with Top Bright Consultants Ltd., the consultant of the application, declared an interest in this item.

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

111. Noting that the three applications were similar in nature and the sites were adjacent to one another within the same “Agriculture” and “Open Storage” zones, Members agreed that the applications could be considered together.

Presentation and Question Sessions

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

- (a) background to the three applications;
- (b) the temporary open storage of detergent (A/YL-TT/210), advertising materials (A/YL-TT/211) and household products (A/YL-TT/212) for a period of 3 years;
- (c) departmental comments – the Director of Environmental Protection did not support the three applications as there were sensitive receivers in the vicinity of the sites and environmental nuisance was expected;
- (d) during the statutory publication period, one public comment was received objecting to the application No. A/YL-TT/210 on the ground that the development was in close proximity to residential dwellings, the noise and dust generated by the movement of heavy vehicles and the handling of goods was expected to cause nuisances to the neighbouring residents. No public comment was received on the other two applications during the statutory publication period; and
- (e) the Planning Department (PlanD)’s views – PlanD did not support to the application for reasons given in paragraph 12.2 of the Papers. The development was not compatible with the surrounding land uses, there was insufficient information in the submission to demonstrate that the development would not have adverse traffic and environmental impacts on the surrounding areas, and the approval of the application would set an undesirable precedent.

113. Members had no question on the application.

Deliberation Session

114. The Chairperson remarked that as there was no previous planning approval granted on the sites and there were local objection and/or adverse departmental comments on traffic and environmental aspects, the three applications should not be approved.

115. After deliberation, the Committee decided to reject the application No. A/YL-TT/210 and the reasons were :

- (a) the development was not compatible with the surrounding land uses in particular the stream course and the predominantly rural setting to the west of the site;
- (b) the development did not comply with the Town Planning Board Guidelines No. 13D for ‘Application for Open Storage and Port Back-up Uses’ in that there was no previous planning approval granted on site and there were local objection and adverse departmental comments on traffic and environmental aspects;
- (c) there was insufficient information in the submission to demonstrate that the development would not have adverse traffic and environmental impacts on the surrounding areas; and
- (d) approval of the application would set an undesirable precedent for other similar uses to proliferate further into the “Agriculture” zone. The cumulative effect of approving such similar applications would result in a general degradation of the environment of the area.

116. After deliberation, the Committee decided to reject the applications No. A/YL-TT/211 and A/YL-TT/212 and the reasons were :

- (a) the development was not compatible with the surrounding land uses in

particular the stream course and the predominantly rural setting to the west of the site;

- (b) the development did not comply with the Town Planning Board Guidelines No. 13D for ‘Application for Open Storage and Port Back-up Uses’ in that there was no previous planning approval granted on site and there were adverse departmental comments on traffic and environmental aspects;
- (c) there was insufficient information in the submission to demonstrate that the development would not have adverse traffic and environmental impacts on the surrounding areas; and
- (d) approval of the application would set an undesirable precedent for other similar uses to proliferate further into the “Agriculture” 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)]

- (xiv) A/YL-TYST/359 Proposed Temporary Open Storage of
Construction Machinery/Materials and Metal Ware
for a Period of 3 Years
in “Undetermined” and
“Village Type Development” zones,
Lots 2406, 2407, 2408(Part),
2409B and 2419(Part) in DD 120,
Tong Yan San Tsuen,
Yuen Long
(RNTPC Paper No. A/YL-TYST/359)
-

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed temporary open storage of construction machinery/materials and metal ware for a period of 3 years;
- (c) departmental comments – the Director of Environmental Protection (DEP) did not support the application as there were sensitive receivers located in the vicinity of the site;
- (d) during the statutory publication period, two public comments were received objecting to the application and raising concerns on compatibility of the proposed development with the rural setting, the lack of access road to the site and the possible environmental and ecological problems brought about by the development; and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the application could be tolerated for reasons given in paragraphs 12.2 and 12.3 of the Paper. As regards DEP's and the local's concerns, there was no environmental complaint in the past 3 years. The proposed vehicular access would be via a local track to its west avoiding the village cluster of Tin Liu Village. Similar applications had been approved within this part of the "Undetermined" ("U") zone. There were also no known ecological attributes of the site and the Director of Agriculture, Fisheries and Conservation had no adverse comment on the application. To address DEP's and the local's concerns, appropriate approval conditions were recommended to minimise any potential impact on the environment.

118. A Member enquired about the Assistant Commissioner for Transport/New Territories of Transport Department (AC for T/NT)'s concern on approving such similar applications might induce cumulative adverse traffic impact on the nearby road network. Mr. Wilson Y.L. So, DPO/TMYL, responded that according to the Town Planning Board Guidelines No. 13D, the site fell largely within Category 1 areas which were considered suitable for open storage and port back-up uses. There were similar applications in this part of the "U" zone that had been approved with conditions. The site was accessible from Kung

Um Road via a local track and the open storage yard located to its west. It was unlikely to have significant adverse traffic impact on the surrounding areas. Relevant Government departments had been undertaking detailed studies on the improvement of infrastructures in the area.

Deliberation Session

119. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years up to 24.8.2010, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no night-time operation between 7:00 p.m. and 7:00 a.m., as proposed by the applicant, was allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, was allowed on the site during the planning approval period;
- (c) no container tractors, trailers or containers were allowed to be stored/parked on the site at any time during the planning approval period;
- (d) no repairing, cleaning, dismantling or workshop activities should be carried out on the site, as proposed by the applicant, at any time during the planning approval period;
- (e) no heavy vehicles, i.e. over 24 tonnes, were allowed for the operation of the site at any time during the planning approval period;
- (f) the provision of peripheral fencing for the site, as proposed by the applicant, within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 24.2.2008;
- (g) the provision of a 9-litre water type/3kg dry powder fire extinguisher in each of the container-converted site offices within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 24.2.2008;

- (h) the submission of landscape and 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 24.2.2008;
- (i) in relation to (h) above, the implementation of landscape and tree preservation proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 24.5.2008;
- (j) the submission of revised drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 24.2.2008;
- (k) in relation to (j) above, the implementation of drainage proposal within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 24.5.2008;
- (l) if any of the above planning conditions (a), (b), (c), (d) or (e) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (m) if any of the above planning conditions (f), (g), (h), (i), (j) or (k) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and
- (n) upon the expiry of the planning permission, the reinstatement of the site to an amenity area to the satisfaction of the Director of Planning or of the TPB.

120. The Committee agreed that the applicant should be reminded that prior planning permission should have been obtained before commencing the applied use at the site.

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

- (a) resolve any land issues relating to the development with the concerned owner(s) of the site;
- (b) note the District Lands Officer/Yuen Long, Lands Department's comments that unauthorised structures and uses had been found on the site without prior approval. His office would take appropriate lease enforcement action. The applicant was reminded to apply for a Short Term Waiver (STW) to regularise the irregularities on site. Should no STW application be received and the irregularities persist on site, his office would take appropriate lease enforcement action against the registered owner(s);
- (c) note the Assistant Commissioner for Transport/New Territories, Transport Department's comments that the land status of the road/path/track leading to the site 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;
- (d) note the Chief Highway Engineer/New Territories West, Highways Department's comments that his office did not maintain the vehicular access track from the site to Kung Um Road;
- (e) follow the latest 'Code of Practice on Handling Environmental Aspects of Open Storage and Temporary Uses' issued by the Environmental Protection Department; and
- (f) note the Chief Engineer/Development(2), Water Supplies Department (WSD)'s comments that for provision of water supply to the future development on the site, the applicant might need to extend his/her inside services to the nearest suitable government water mains for connection. The applicant should resolve any land matter (such as private lots) associated with the provision of water supply and should be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD's standards.

[Open Meeting (Presentation and Question Sessions Only)]

- (xv) A/YL-TYST/360 Temporary Warehouse for Storage of
Plastic and Metal Ware for a Period of 3 Years
in “Undetermined” zone,
Lots 2813(Part), 2814(Part),
2815RP(Part) and 2816RP(Part) in DD 120,
Tong Yan San Tsuen,
Yuen Long
(RNTPC Paper No. A/YL-TYST/360)
-

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed temporary warehouse for storage of plastic and metal ware for a period of 3 years;
- (c) departmental comments – the Director of Environmental Protection (DEP) did not support the application in view of the sensitive receivers to the southwest and in the vicinity of the site;
- (d) during the statutory publication period, three public comments were received objecting to the application on environmental, traffic and public security grounds; and
- (e) the Planning Department (PlanD)’s views – PlanD considered that the temporary use could be tolerated for reasons given in paragraphs 11.1 and 11.2 of the Paper. As regards DEP’s and the local’s concern, the applicant had proposed mitigation measures to ameliorate the environmental impact which included paving and fencing the site, and restricting the operation hours and types of activities to be carried out. Corresponding approval conditions were recommended in paragraphs 11.3(a) to 11.3(e) of the Paper

to reduce the potential environmental nuisance on the nearby sensitive receivers. Concerned Government departments had no adverse comments on traffic and public security aspects. A shorter approval period was also recommended in order to monitor the situation of the site.

123. In response to the Chairperson's enquiry on the previously rejected applications, Mr. Wilson Y.L. So, DPO/TMYL, said that the previous applications (No. A/YL-TYST/221, 229, 244 and 274) were for temporary open storage yards or container tractor/trailer park uses at the time when the site was within Category 2 areas under the Town Planning Board Guidelines (TPB PG) No. 13C. The applications were rejected for land use incompatibility and adverse environmental, traffic, drainage and visual impacts. According to the current TPB PG-No. 13D, the subject "Undetermined" zone was re-categorised to Category 1 areas. As the current application was applied for a temporary warehouse for storage of plastic and metal ware, it was different in nature from the previously rejected applications. The subject warehouse was small in scale of about 260m². Moreover, according to the applicant, only private cars and light goods vehicles would be allowed to enter the site and the operation hours would be restricted from 7:00 a.m. and 7:00 p.m from Monday to Saturday. It was considered that the temporary use could be tolerated and a shorter approval period was recommended in order to monitor the situation of the site.

Deliberation Session

124. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 2 years up to 24.8.2009, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no night-time operation between 7:00 p.m. and 7:00 a.m., as proposed by the applicant, was allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, was allowed on the site during the planning approval period;
- (c) no container tractors, trailers or containers were allowed to be stored/parked on the site at any time during the planning approval period;

- (d) no open storage, repairing, cleaning, dismantling or workshop activities should be carried out on the site, as proposed by the applicant, at any time during the planning approval period;
- (e) no vehicles over 5.5 tonnes were allowed for the operation of the site at any time during the planning approval period;
- (f) the provision of peripheral fencing for the site, as proposed by the applicant, within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 24.2.2008;
- (g) the implementation of the accepted landscape proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 24.2.2008;
- (h) the implementation of the accepted 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 24.2.2008;
- (i) the submission of fire service installation proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 24.2.2008;
- (j) in relation to (i) above, the provision of fire service installations within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 24.5.2008;
- (k) if any of the above planning conditions (a), (b), (c), (d) or (e) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (l) if any of the above planning conditions (f), (g), (h), (i) or (j) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further

notice; and

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

125. The Committee agreed that the applicant should be reminded that prior planning permission should have been obtained before commencing the applied use at the site.

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

- (a) a shorter approval period was granted so as to monitor the situation of the site;
- (b) resolve any land issues relating to the development with the concerned owner(s) of the site;
- (c) note the District Lands Officer/Yuen Long, Lands Department's comments that unauthorised structures had been found on the site without prior approval. His office reserved the right to take lease enforcement action. The applicant should be reminded to apply for Short Term Waiver (STW) to regularise the unauthorised structures on site. However, his office did not guarantee the application for STW would be approved ultimately;
- (d) 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) note the Chief Highway Engineer/New Territories West, Highways Department's comments that his office did not maintain the vehicular access track from the site to Kung Um Road;

- (f) follow the latest 'Code of Practice on Handling Environmental Aspects of Open Storage and Temporary Uses' issued by the Environmental Protection Department;
- (g) note the Chief Engineer/Development(2), Water Supplies Department (WSD)'s comments that for provision of water supply to the development, the applicant might need to extend his/her inside services to the nearest suitable Government water mains for connection. The applicant should resolve any land matter (such as private lots) associated with the provision of water supply and should be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD's standards; and
- (h) consult the Dangerous Goods Division, Licensing and Certification Command of Fire Services Department regarding licensing of the premises for storage/use of dangerous goods.

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

[Mr. W.K. Hui, DPO/STN, and Ms. Stephanie P.H. Lai, STP/STN, were invited to the meeting at this point.]

Sha Tin, Tai Po and North District

Agenda Item 7

Section 16 Applications

[Open Meeting (Presentation and Question Sessions Only)]

- (i) A/NE-KTN/120 Proposed Temporary Warehouses for Storage of Packed Commodities for a Period of 3 Years in “Agriculture” zone, Lots 1017(Part), 1018, 1020C, 1021(Part), 1022(Part), 1023, 1024(Part), 1025(Part) and 1026RP(Part) in DD 95, Ho Sheung Heung, Kwu Tung North
(RNTPC Paper No. A/NE-KTN/120)
-

Presentation and Question Sessions

127. 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 warehouses for storage of packed commodities for a period of 3 years;
- (c) departmental comments – the Assistant Commissioner for Transport/New Territories of Transport Department had reservation on the application. The Director of Agriculture, Fisheries and Conservation did not favour the application from agricultural development point of view. The Director of Environmental Protection did not support the application as there were sensitive users in the vicinity of the site/access road and environmental nuisance was expected. The Chief Town Planner/Urban Design and Landscape of Planning Department had reservation on the application from landscape planning point of view;

- (d) during the statutory publication period, two public comments were received objecting to the application on land use, traffic, environmental and fung shui grounds. Local objections were received from the District Officer/North on similar grounds; and
- (e) the Planning Department (PlanD)'s views – PlanD did not support the application for reasons given in paragraphs 11.1 to 11.3 of the Paper. The use was not in line with the planning intention of the “Agriculture” zone. There was insufficient information in the submission to demonstrate that the proposed development would not cause adverse traffic, landscape and environmental impacts on the surrounding areas, and the approval of the application would set an undesirable precedent.

Deliberation Session

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

- (a) the use under application was not in line with the planning intention of the “Agriculture” (“AGR”) zone which was to retain and safeguard good-quality agricultural land. It also intended to retain fallow arable land with good potential for rehabilitation. No strong justification had been provided in the submission for a departure from the planning intention, even on a temporary basis;
- (b) there was insufficient information in the submission to demonstrate that the proposed development would not cause adverse traffic, landscape and environmental impacts on the surrounding areas; and
- (c) the approval of the application would set an undesirable precedent for similar applications within the “AGR” zone. The cumulative impacts of approving such applications would result in significant accumulative adverse traffic and environmental impact.

[Open Meeting (Presentation and Question Sessions Only)]

- (ii) A/NE-KTS/254 Social Welfare Facility
(Drug Rehabilitation and Recreation Centre)
in “Green Belt” zone,
48 Ki Lun Village,
Kwu Tung South, Sheung Shui
(RNTPC Paper No. A/NE-KTS/254)
-

Presentation and Question Sessions

129. 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 social welfare facility (drug rehabilitation and recreation centre);
- (c) departmental comments – no objection from concerned Government departments was received;
- (d) during the statutory publication period, six public comments were received objecting to the application on the grounds of traffic, environmental, security and potential nuisance to the local villagers; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application for reasons given in paragraph 11.1 to 11.3 of the Paper. As regards the public comments, the use under application was small in scale and the impacts/disturbance to the local villagers would unlikely be significant. Concerned Government departments had no adverse comments or no objection to the application.

130. Referring to Plan A-4 of the Paper and the current condition of the subject centre, the Chairperson asked whether the centre was in operation and complied with the licensing requirements. Mr. W.K. Hui, DPO/STN, responded that the subject centre was in operation with a Certificate of Exemption (CoE) which provisionally exempted it from licensing and to

continue the operation. According to the Social Welfare Department (SWD), the centre had to meet all the licensing requirements, including the necessary upgrading and improvement works, before the expiry of the grace period on 23.12.2010. The granting of planning permission would facilitate the centre to meet the licensing requirements before the expiry of the grace period.

131. In response to a Member's enquiry on whether there would be any structures to be rebuilt, Mr. W.K. Hui said that the applicant would continue to use the existing properties and facilities on the site for the subject centre. The current application was similar to the previously approved application (No. A/NE-KTS/154) for the same use by the same applicant, except that there would be no rebuilding of the existing structures in the current application.

Deliberation Session

132. Noting that local objections were received from nearby villagers, a Member asked whether the Committee should consider approving the application on a temporary basis in order to monitor the use of the site and the necessary improvement works.

133. Members generally agreed that in view of the local objections and there was no submission for compliance of approval conditions in the previous application, the application should be approved on a temporary basis up to 23.12.2010, i.e. to be co-terminated with the expiry of the grace period granted by SWD.

134. After deliberation, the Committee decided to approve the application on a temporary basis up to 23.12.2010, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) the submission of drainage proposals within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 24.2.2008;
- (b) in relation to (a) above, the implementation of drainage proposals within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 24.5.2008;

- (c) the submission of proposals for water supplies for fire fighting and fire service installations within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 24.2.2008;
- (d) in relation to (c) above, the provision of water supplies for fire fighting and fire service installations within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 24.5.2008;
- (e) the submission of tree preservation and landscape proposals within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 24.2.2008;
- (f) in relation to (e) above, the implementation of tree preservation and landscape proposals within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 24.5.2008; and
- (g) if any of the above planning conditions (a), (b), (c), (d), (e) or (f) was not complied with by the specified date, the approval hereby given should cease to have effect and should be revoked without further notice.

135. The Committee agreed that the applicant should be reminded that prior planning permission should have been obtained before commencing the applied use at the site.

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

- (a) a temporary approval was granted in order to monitor the use of the site;
- (b) to liaise with the District Lands Officer/Yuen Long, Lands Department regarding the Short Term Tenancy to regularize the existing structures on the site;
- (c) to note the comments from the Chief Building Surveyor/New Territories West, Buildings Department that :

- (i) the granting of this planning approval should not be construed as condoning to any structures existing on the site under the Buildings Ordinance (BO) and the allied regulations. Actions appropriate under the BO or other enactment might be taken if contravention was found;
 - (ii) formal submission by an authorized person for any proposed development was required under the BO; and
 - (iii) if the site did not abut on a street of not less than 4.5m wide, development intensity of the site should be deemed determined under Building (Planning) Regulation 19(3) at building plan submission stage;
- (d) to note the comments from the Director of Environmental Protection that a proper on-site treatment facilities should be provided/implemented to handle the sewage and wastewater generated from the development according to the ProPECC Practice Note on 'Drainage Plans subject to Comment by the Environmental Protection Department' (PN 5/93), and the discharge from such facilities should meet the requirements as stipulated in the Water Pollution Control Ordinance;
- (e) to note the comments from the Chief Engineer/Development(2), Water Supplies Department that :
- (i) the site was located within the flood pumping catchments area associated with River Indus and River Ganges pumping stations; and
 - (ii) water mains in the vicinity of the site could not provide the standard fire-fighting flow; and
- (f) to note the comments from the Chief Town Planner/Urban Design and Landscape, Planning Department that there was a mature Ficus elastica which should be regarded as an old and valuable tree and deserved preservation on site.

[Open Meeting (Presentation and Question Sessions Only)]

- (iii) A/NE-SSH/58 Proposed House (New Territories Exempted House (NTEH) – Small House)
in “Green Belt” zone,
Government land in DD 209,
Kei Ling Ha San Wai,
Sai Kung North
(RNTPC Paper No. A/NE-SSH/58)
-

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed House (New Territories Exempted House (NTEH) – Small House);
- (c) departmental comments – no objection from concerned Government departments was received;
- (d) during the statutory publication period, four public comments were received objecting to the application on land use, traffic, environmental, drainage, ecological and landscape grounds; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application for reasons given in paragraphs 12.1. to 12.3 of the Paper. The proposed development complied with the interim criteria for assessing planning application for NTEH/Small House development. The site fell completely within the ‘village environs’ of Kei Ling Ha San Wai, and there was a general shortage of land in meeting the demand for Small House development in the “Village Type Development” zone of the same village.

138. Members had no question on the application.

Deliberation Session

139. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 24.8.2011, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the condition that the submission and implementation of drainage facilities should be to the satisfaction of the Director of Drainage Services or of the TPB.

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

- (a) water mains in the vicinity of the site could not provide the standard fire-fighting flow;
- (b) the “Code of Practice on Working near Electricity Supply Lines” should be observed when carrying out works in the vicinity of electricity supply lines. Prior to establishing any structure within the site, the applicant should consult CLP Power Hong Kong Limited to divert the existing low voltage underground cables away from the vicinity of the proposed Small House development; and
- (c) the site was in an area where no public sewerage connection was available.

Deliberation Session

144. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years up to 24.8.2010, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) the setback of the development by 1.6m from the existing village road to its south;
- (b) the provision of fire service installations within 3 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 24.11.2007;
- (c) the provision of proper drainage connection to the development, as proposed by the applicant, within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 24.11.2007;
- (d) the submission of sewerage connection proposals within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 24.11.2007;
- (e) in relation to (d) above, the provision of sewerage connection to the development, as proposed by the applicant, within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 24.2.2008;
- (f) if the above planning condition (a) was not complied with during the approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (g) if any of the above planning conditions (b), (c), (d) or (e) was not complied with by the specified dates, the approval hereby given should cease to have effect and should be on the same date be revoked immediately without further notice; and

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

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

- (a) shorter compliance periods for approval conditions were imposed in order to monitor the situation and compliance of approval conditions on the site;
- (b) the applicant should obtain from Tai Po District Lands Office a Short Term Tenancy for the restaurant use;
- (c) all unauthorized building works should be removed. Otherwise, enforcement action by the Building Authority under section 24 of the Buildings Ordinance (BO) might be taken;
- (d) if any non-exempted building works within the context of the BO were to be carried out, the applicant should be reminded to seek approval and consent from the Building Authority prior to commencement of works under section 14(1) of the BO;
- (e) the applicant should consult the Building Authority regarding the development intensity under Building (Planning) Regulation 19(3) at the building plan submission stage;
- (f) the applicant should consult the Environmental Protection Department regarding the preferred sewage treatment/disposal method of the development; and
- (g) the applicant should submit a fresh application to the Food and Environmental Hygiene Department for the extension of the outside seating area.

[Open Meeting (Presentation and Question Sessions Only)]

- (vi) A/TP/391 Proposed School (Extension)
in “Residential (Group C) 1” zone,
Lots 1945B(Part), 1945RP(Part),
1945RP1 and 1945RP2 in DD 7,
Hong Lok Yuen,
Tai Po
(RNTPC Paper No. A/TP/391)
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Presentation and Question Sessions

148. 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 school (extension);
- (c) departmental comments – no objection from concerned Government departments was received;
- (d) during the statutory publication period, one public comment was received stating strong reservation on the application unless prior approval to erect new building or make building alteration had been sought from the landlord; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application for reasons given in paragraphs 10.1 and 10.2 of the Paper. As regards the public comment, the applicant was advised to liaise with the landlord on the proposed school extension development.

149. In response to the Chairperson’s enquiry on the irregular boundary of the site, Mr. W.K. Hui, DPO/STN, said that part of a playground currently used by the subject school fell with Lot 357, which was owned by the Tso. According to the applicant, the site was delineated to exclude this lot such that it would not be necessary to obtain permission from

the Tso.

Deliberation Session

150. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 24.8.2011, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

- (a) the submission and implementation of landscape proposal to the satisfaction of the Director of Planning or of the TPB;
- (b) the provision of water supplies for fire fighting and fire service installations to the satisfaction of the Director of Fire Services or of the TPB; and
- (c) the provision of protection measures to ensure no pollution or siltation would occur to the upper indirect water gathering grounds to the satisfaction of the Director of Water Supplies or of the TPB.

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

- (a) to liaise with the landlord on the proposed school extension development;
- (b) to note the comment of the District Lands Officer, Lands Department that the current school extension proposal was not acceptable from lease point of view unless the lot owner would apply to his office to modify the relevant Master Layout Plan, Development Schedule and lease conditions governing the school;
- (c) to note the comment of the Chief Engineer/Development(2), Water Supplies Department as set out in Appendix VIII of the Paper; and
- (d) to note the comment of the Director of Electrical and Mechanical Services that based on the information provided by CLP Power Hong Kong Limited,

there were low voltage (LV) U/G cables within the site and many U/G electricity cables (i.e. LV and 11kV) in the vicinity of the site. The applicant and his contractors should observe the “Code of Practice on Working near Electricity Supply Lines” established under the Electricity Supply Lines (Protection) Regulation when carrying out works in the vicinity of the electricity supply lines.

Agenda Item 8

Section 16A Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-KTS/228-3 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 and 685D in DD 95
and Adjoining Government Land,
Kwu Tung South,
Sheung Shui
(RNTPC Paper No. A/NE-KTS/228-3)

152. The application was submitted by a subsidiary of Sun Hung Kai Properties Ltd. (SHK). Messrs. Alfred Donald Yap and Y.K. Cheng, having current business dealings with SHK, declared interests in this item. The Committee noted that Mr. Yap had tendered apologies for being not able to attend the meeting.

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

Presentation and Question Sessions

153. 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 Houses (amendments to approved scheme);
- (c) departmental comments – no objection from concerned Government departments was received;
- (d) local objections were received from the District Officer (North) mainly on traffic, environmental and drainage impacts on the surrounding areas, and disturbances to the nearby villagers caused by the proposed development; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application for reasons given in paragraphs 9.1 and 9.2 of the Paper. The local objections were not related to the subject proposed amendments to the approved scheme. Concerned Government departments had no objection nor adverse comments on the application. The applicant would be advised to minimize disturbances to the local villagers during the construction stage, and to brief and liaise with the local villagers regarding the proposed development.

154. Members had no question on the application.

Deliberation Session

155. 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 tree preservation and landscape proposals, as submitted by the applicant, 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 site to the satisfaction of the Director Environmental Protection or of the TPB;
- (e) no population intake should be allowed prior to the completion of Shek Wu Hui Sewage Treatment Works upgrading works currently scheduled in 2009;
- (f) the design and provision of fire service installations and firefighting water supplies to the satisfaction of the Director of Fire Services or of the TPB; and
- (g) the submission of a natural terrain hazard study and the implementation of the mitigation measures identified therein to the satisfaction of the Director of Civil Engineering and Development or of the TPB.

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

- (a) to seek approval from the District Lands Officer/North, Lands Department under the lease;
- (b) to note the comments from the Chief Engineer/Development(2), Water Supplies Department that :
 - (i) the site was located within the flood pumping catchment area associated with River Indus and River Ganges pumping stations; and
 - (ii) existing fresh water mains within the site, which had been included in the rehabilitation programme under Contract No. 23/WSD/06, were affected. The applicant should bear the cost of any necessary

diversion works affected by the proposed development. The applicant was required to liaise with Water Supplies Department to resolve the likely interface problem;

- (c) to note the comments from the Chief Building Surveyor/New Territories West, Buildings Department that :
 - (i) the proposed roundabout at the southern portion of the site should be deducted from site area for the purposes of site coverage and plot ratio calculations under Building (Planning) Regulations (B(P)R);
 - (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)R;
 - (iii) the provision of emergency vehicular access to all the buildings within the site should 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 consult the Director of Leisure and Cultural Services and the Chief Highways Engineer/New Territories East, Highways Department should any trees on public roads be affected;
- (e) to note the comment from the Chief Highway Engineer/New Territories East, Highways Department that all private facilities and structures should be constructed within the lot and maintained by the lot owner;
- (f) to note the comments from the Director of Environmental Protection that more houses under the revised scheme were located closer along the heavily trafficked Fanling Highway which would be subject to excessive traffic noise impacts when compared to the previously approved scheme. As such, more intensive mitigation measures (e.g. taller noise barrier)

might be required under the revised scheme;

- (g) to brief and liaise with the local villagers regarding the proposed development; and
- (h) to note the local objections in paragraph 8.1.11 of the Paper and to minimize disturbances to the local villagers during the construction stage.

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

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

Sai Kung and Islands District

[Ms. Ann O.Y. Wong, District Planning Officer/Sai Kung and Islands (DPO/SKIs), and Mr. Lawrence Y.C. Chau, Senior Town Planner/Sai Kung and Islands (STP/SKIs), were invited to the meeting at this point.]

Agenda Item 9

[Open Meeting (Presentation and Question Sessions Only)]

Draft Planning Brief for "Comprehensive Development Area(1)" zone
on the Approved Sai Kung Town Outline Zoning Plan No. S/SK-SKT/4
(RNTPC Paper No. 17/07)

Presentation and Question Sessions

157. Ms. Ann O.Y. Wong, DPO/SKIs, presented the draft planning brief and covered the following aspects as detailed in the Paper :

- (a) background to the "Comprehensive Development Area(1)" ("CDA(1)") zone;

- (b) the draft planning brief; and
- (c) departmental comments – no adverse comments from concerned Government departments were received.

158. In response to the Secretary's enquiry on the green buffer zones as shown on Plan A-2 of the Paper, Ms. Ann Wong replied that the residential blocks along the northern boundary of the "CDA(1)" site would be subject to traffic noise and emission upon completion of the re-alignment works of Tai Mong Tsai (TMT) Road. Green buffer zones of 15m and 10m would be provided along the northern and the remaining boundaries of the site respectively. A Landscape Master Plan should be submitted to illustrate the detailed landscape proposals. In addition, a 6m wide public pedestrian walkway would be provided to connect the re-aligned TMT Road and Mei Fuk Street directly.

159. A Member opined that in view of the prominent location of the site and to minimize adverse visual impact on the surroundings, a green buffer zone of 15m wide should be provided along the entire boundary of the site. This view was shared by the Secretary who added that the public pedestrian walkway connecting the TMT Road and Mei Fuk Street should not encroach on the green buffer zone. Moreover, environmentally friendly initiatives, such as provision of green roof, should also be specified in the planning brief.

160. The Chairperson remarked that the planning brief would be fine-tuned taken into account Members' comments and the Sai Kung District Council (SKDC) would be consulted on the revised brief. The planning brief should be submitted to the Committee for endorsement after SKDC consultation.

Deliberation Session

161. After deliberation, the Committee decided to agree that the draft Planning Brief at Appendix of the Paper, subject to the amendments mentioned in paragraph 159, was :

- (a) to serve as a basis to provide guidance for development of the "Comprehensive Development Area(1)" site; and

- (e) the Planning Department (PlanD)'s views – PlanD did not support the application for reasons given in paragraph 10.1 of the Paper. The proposed development was not in line with the planning intention of the “Village Type Development” zone, and no information had been provided in the submission to demonstrate that there were proper facilities within the existing premises for school operation.

163. Mr. Lawrence Chau added that on 20.8.2007 and 23.8.2007, the applicant submitted through emails further information and a letter from the American Chamber of Commerce in Hong Kong respectively. On 20.8.2007, the Secretariat also received a letter from the Director-General of Investment Promotion. The further information was in response to the public comments while the two letters were on the provision of international school places in Hong Kong. The above e-mails and letters were tabled at the meeting for Members' reference.

164. Members had no question on the application.

Deliberation Session

165. A Member asked whether sympathetic consideration could be given the subject school to serve the needs of the local villagers. Another Member said that the subject premises, i.e. the three New Territories Exempted Houses, were designed and built for residential use. As the premises might not have been equipped with proper facilities for school operation, the application could not be supported. It should be the responsibility of the applicant to find the suitable site/premises for school operation, say by making use of those abandoned school premises.

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

- (a) the proposed development was not in line with the planning intention of the “Village Type Development” zone which was primarily for development of Small Houses by indigenous villagers. No strong justification had been provided in the submission for a departure from the planning intention; and

- (b) the three existing New Territories Exempted Houses were designed and built for residential use. No information had been provided in the submission to demonstrate that there were proper facilities within the existing premises for school operation.

[Open Meeting (Presentation and Question Sessions Only)]

- (ii) A/SK-SKT/1 Proposed Comprehensive Residential Development in “Comprehensive Development Area (1)” zone, Various Lots and Adjoining Government Land in DD 221, Sha Ha, Sai Kung
(RNTPC Paper No. A/SK-SKT/1)
-

167. Dr. James C.W. Lau, having current business dealings with Hyder Consulting Ltd., the consultant of the application, declared interest in this item. The Committee noted that Dr. Lau had already left the meeting.

Presentation and Question Sessions

168. The Committee noted that on 2.8.2007, the applicant requested the Town Planning Board to defer consideration of the application in order to refine the Master Layout Plan with reference to the planning brief and departmental/public comments.

Deliberation Session

169. After deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending the submission of additional information from the applicant. The Committee also agreed that the application should be submitted to the Committee for consideration within two months from the date of receipt of additional information from the applicant. The Committee also agreed to advise the applicant that two months, after the endorsement of the planning brief by the Town Planning Board, were allowed for preparation of the submission of the further information.

[The Chairperson thanked Ms. Ann O.Y. Wong, DPO/SKIs, and Mr. Lawrence Y.C. Chau,

STP/SKIs, for their attendance to answer Members' enquiries. Ms. Wong and Mr. Chau left the meeting at this point.]

Agenda Item 11

Any Other Business

170. There being no other business, the meeting was closed at 8:00 p.m..