

TOWN PLANNING BOARD

Minutes of 367th Meeting of the Rural and New Town Planning Committee held at 2:30 p.m. on 22.2.2008

Present

Director of Planning
Mrs. Ava S.Y. Ng

Chairperson

Mr. Michael K.C. Lai

Vice-chairman

Mr. David W.M. Chan

Professor David Dudgeon

Mr. Tony C.N. Kan

Mr. Edmund K.H. Leung

Dr. C.N. Ng

Mr. Alfred Donald Yap

Mr. B.W. Chan

Mr. Y.K. Cheng

Ms. Anna S.Y. Kwong

Dr. James C. W. Lau

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

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

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

Secretary

Absent with Apologies

Ms. Carmen K.M. Chan

Professor Nora F.Y. Tam

Dr. Lily Chiang

Professor Peter R. Hills

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

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

In Attendance

Assistant Director of Planning/Board
Mr. C.T. Ling

Chief Town Planner/Town Planning Board
Ms. Christine K.C. Tse

Town Planner/Town Planning Board
Ms. Doris S.Y. Ting

Agenda Item 1

Confirmation of the Draft Minutes of the 366th RNTPC Meeting held on 1.2.2008

[Open Meeting]

1. The draft minutes of the 366th RNTPC meeting held on 1.2.2008 were confirmed subject to amendments to (i) the attendance list from “Chief Engineer/Traffic Engineering (New Territories West)” to “Chief Engineer/Traffic Engineering (New Territories East)”; (ii) paragraph 11(b) Line 4 to add “sub-standard” before “road”; (iii) paragraph 11(c) Line 4 to replace “provide” by “still be”; and (iv) paragraph 54(a) Line 1 to replace “Commissioner for Transport’s” by “Assistant Commissioner for Transport/New Territories, Transport Department’s”.

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

Agenda Item 2

Matters Arising

[Open Meeting]

(i) Town Planning Appeal Decision Received

Town Planning Appeal No. 1 of 2007

Proposed Temporary Open Storage of Construction Materials

for a period of 3 Years in “Agriculture” Zone,

Lots 184RP, 186RP (Part), 187RP (Part) in DD 52,

Sheung Shui Wah Shan Village, Sheung Shui

(Application No. A/NE--FTA/76)

2. The Secretary reported that the captioned appeal was against the Town Planning Board’s decision to reject on review an application (No. A/NE-FTA/76) for temporary open storage of construction materials for a period of 3 years on a site zoned “Agriculture” on the Fu Tei Au and Sha Ling Outline Zoning Plan. The appeal was heard by the Town Planning Appeal Board (TPAB) on 13.12.2007 and allowed on 15.2.2008 for a shorter period of 2

years with conditions mainly on the following grounds:

[Professor David Dudgeon arrived to join the meeting at this point.]

- (a) there was no doubt that the access road had been used for a few years to serve the container handling yards and logistics companies on its north side and also the lot immediately east of the application site. The Appellant's representative indicated that the application site would only be used for the storage of concrete pipes, and only light or medium lorries would be used for transportation 2 or 3 times each day between 8:30 a.m. and 6:30 p.m.. The Transport Department considered that such traffic would not adversely affect the existing traffic condition on the access road as caused by other vehicles now using the road;
- (b) there were only a few huts nearby along the side of the access road. In the circumstances, the TPAB took the view that allowing the Appellant to use the application site for the purpose and to the extent as stated by the Appellant's representative would not adversely affect the existing traffic on the access road or the environment of the area;

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

- (c) whilst the Town Planning Board Guidelines for "Application for Open Storage and Port Back-up Uses" were to be taken into consideration, respected and not lightly to be departed from, the circumstances prevailing in the present case were quite unusual. In particular, the land owned by the Appellant and his co-owners had been cut into two portions on two sides of the access road with different zonings. The original zoning was to take into account the works to be carried out in altering the course of Ng Tung River. However, such works had been completed and the rationale behind the zonings had become inapplicable or not wholly applicable. The Government might possibly reconsider the zoning of land south of the access road;

- (d) the TPAB was confident that the decision would not open the flood-gate for other applications relating to other lots in the area because of the unique circumstances in the present case; and
- (e) the TPAB made it clear that every case must be decided on its own facts and in light of all the prevailing circumstances. It was fully open for the TPB/Planning Department to monitor the situation in the next two years and take the same into account in considering any other application and any future application for renewal of permission.

3. The Secretary said that a copy each of the Summary of Appeal and the TPAB's decision for the appeal case had been sent to Members for reference.

(ii) Appeal Statistics

4. The Secretary also reported that as at 22.2.2008, 12 cases were yet to be heard by the TPAB. Details of the appeal statistics were as follows:

Allowed	:	21
Dismissed	:	106
Abandoned/Withdrawn/Invalid	:	127
Yet to be Heard	:	12
Decision Outstanding	:	4
<hr/> Total	:	<hr/> 270

[Dr. C.N. Ng arrived to join the meeting whilst Ms. Anna S.Y. Kwong returned to join the meeting at this point.]

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

Sha Tin, Tai Po and North District

Agenda Item 3

Section 12A Applications

[Open Meeting (Presentation and Question Sessions only)]

- (i) Y/ST/6 Application for Amendment to the
Approved Sha Tin Outline Zoning Plan No. S/ST/23
from “Industrial” to “Industrial (1)” zone,
2-36 Wo Heung Street, Fo Tan, Sha Tin (STTL 4)
(RNTPC Paper No. Y/ST/6)
-

Presentation and Question Sessions

5. The Secretary reported that Mr. Tony C.N. Kan, who owned a flat near the application site, had declared interest in this item. The Committee noted that Mr. Kan had already left the meeting.

6. Mr. W.W. Chan, Senior Town Planner/Shan Tin, Tai Po and North (STP/STN), and the following applicant’s representatives were invited to the meeting at this point :

Mr. Kenneth To
Ms. Veronica Luk
Ms. Carmen Chu
Mr. Calvin Chiu
Mr. Daniel Kwan

7. The Chairperson extended a welcome and explained the procedures of the hearing. The Chairperson then invited Mr. W.W. Chan to brief Members on the background to the application.

8. With the aid of a Powerpoint presentation, Mr. W.W. Chan presented the application as detailed in the Paper and made the following main points:

- (a) the application was for amendment of the zoning of the application site on the approved Sha Tin Outline Zoning Plan (OZP) No. S/ST/23 from “Industrial” (“I”) to “Industrial (1)” (“I(1)”) zone to facilitate conversion/redevelopment of the existing warehouses to a composite hotel and retail development with provision of art and cultural facilities. As ‘Hotel’ use was a Column 2 use in “I(1)” zone, the proposed development would require planning approval from the Town Planning Board (the Board) should the Committee agree to the application for amendment;
- (b) the application site was currently occupied by Sha Tin Cold Storage and Pak Sik Godown No. 1 in Fo Tan Industrial Area (FTIA). The existing warehouses had been developed up to the maximum permissible plot ratio of 9.5 under the leases;
- (c) according to the indicative development scheme, the Sha Tin Cold Storage would be demolished to create a landscaped public piazza of about 1,450 m² at ground level with a 5-storey oval shaped structure for retail purpose. The 12-storey Pak Sik Godown No. 1 would be partly demolished and converted into a hotel with provision of retail, art and cultural facilities at lower floors and extended by adding two 16-storey towers on top for additional hotel rooms. The major development parameters of the proposed development scheme were set out in paragraph 1.2 of the Paper;
- (d) a footbridge to link up the East Rail Fo Tan Station with the oval shaped retail mall and provisions for footbridge connection between the proposed hotel and the future “Comprehensive Development Area (1)” (“CDA(1)”) site on the adjoining railway siding site were proposed;
- (e) departmental comments were set out in paragraph 9 of the Paper. The Director-General of Trade and Industry (DG of TI) objected to the application mainly on the grounds that the proposed development was not compatible with the surrounding industrial developments, was not in line with the planning intention of the “I” zone, and the approval would set an

undesirable precedent resulting in a significant loss of industrial floor space in the area. The Assistant Commissioner for Transport/New Territories, Transport Department (AC for T/NT, TD) considered that supplementary information should be provided to address the concerns on the management and maintenance responsibilities of the proposed pedestrian linkages and footbridge, the provision and layout of loading and unloading spaces, passenger pick-up/drop off lay-by, ingress and egress points, and the submitted Traffic Impact Assessment. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, Plan D) had reservation on the excessive building bulk of the proposed development as there was insufficient information to demonstrate that the proposed development would not have adverse visual and landscape impacts on the surrounding environment;

- (f) four public comments from a Sha Tin District Council Member, the Owners' Concern Group of a residential development nearby (enclosing the signature of 113 resident objectors), an individual company representing a number of business operators at FTIA, and a private individual were received. All commenters raised objection to the application mainly on the grounds that approval might lead to cumulative loss of industrial land at FTIA; there was a shortage of cold storage floor space in Hong Kong; the proposed development was not compatible with the industrial developments in the surrounding; and there were concerns on the adverse impacts in terms of traffic, visual, air ventilation. Concerns on the possible impacts on the operation of the railway and railway siding area and the future "CDA(1)" development as raised by the Mass Transit Railway Company Limited (MTRCL) via Highways Department were detailed in Annex B of the Paper;
- (g) Planning Department (PlanD) had carried out an "Updated Area Assessments of Industrial Land in the Territory" (the Updated Area Assessments) in 2005. The detailed assessments and recommendations on the FTIA and Siu Lek Yuen Industrial Area (SLYIA) extracted from the Updated Area Assessments were set out in Annex A of the Paper. In sum,

the site area and total industrial floor space of the FTIA were larger than SLYIA, yet the former had a lower vacancy rate and a positive take-up rate while the latter shown a higher vacancy rate and a negative take-up rate between 2003 and 2005. As there were still active and established uses, the FTIA was recommended to be retained for industrial purpose. For SLYIA, in view of its central locality in Sha Tin new town and its close proximity to Ma On Shan Rail, the area was recommended to be retained as “I” to preserve land supply for industrial use but allowed other compatible uses such as hotel in the area subject to detailed assessment. The findings and recommendations of the Updated Area Assessments were agreed by the Town Planning Board (the Board) on 20.1.2006; and

- (h) PlanD did not agree to the application based on the assessments in paragraph 11 and for reasons as given in paragraph 12.1 of the Paper. The application site was located in the vibrant FTIA with continuous demand of industrial floor space and little interface problems, the proposed rezoning was not in line with the recommendation of the Updated Area Assessments and the trend of positive take up of industrial floor space in Fo Tan. The approval of the application would set an undesirable precedent resulting in a significant loss of industrial floor space in the area. The DG of TI raised objection to the application. The application site being located next to a railway siding area was considered worthy to be retained for industrial use and approving the change of use might further aggravate the situation of limited storage space provision. There was no strong reason for rezoning the application site for hotel and related uses as there was already adequate flexibility for hotel developments in various locations in Sha Tin. The overall building bulk of the proposed development at a plot ratio of 9.5 and its 7-storey podium deck with full coverage over half of the site were considered massive and its sizable footprint had left little room for streetscape improvement or planting. There was insufficient information to demonstrate that the proposed development would not have any adverse visual and landscape impacts on the surrounding environment. The proposed footbridge linking the East Rail Fo Tan Station and the oval shaped retail mall would pass through the vested land of the MTRCL and

there were insufficient information to demonstrate that the operation of railway and railway siding area and the future development of the adjoining “CDA(1)” site would not be affected.

9. With the aid of a Powerpoint presentation, Mr. Kenneth To made the following main points :

- (a) being an international city, Hong Kong was renowned for its land use-transport model in urban development;

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

- (b) FTIA was located along the East Rail which had a daily patronage of more than 1,000,000 persons including more than 250,000 transit passengers from Mainland visiting Hong Kong for leisure or business purposes. However, the application site which was conveniently located next to the East Rail Fo Tan Station had been put into warehouse use. This was not an optimisation of land use resources;

- (c) the existing warehouses at the application site, which were served directly by railway, were built by the applicant in the 1970's to ensure that adequate supply of rice and other foodstuff could be directly transported to Hong Kong from Mainland China. However, with the change in circumstances, the strategic function these warehouses used to perform was no longer required. Instead, there was a demand for hotel accommodation with the large number of visitors from the Mainland. Given the strategic location of the application site next to the Fo Tan station, the applicant considered it suitable for hotel development which helped contribute to the sustainable growth of tourism in Hong Kong;

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

- (d) upon redevelopment of the existing warehouses to hotel, two existing warehouses (namely Pak Sik Godown No. 2 and Sha Tin Cold Storage No.

2), which were also under the ownership of the applicant, would still remain in use in FTIA. Besides, the applicant was planning to redevelop a disused machinery plant in Tsing Yi to a new warehouse with a total GFA of 114,000m² (with capacity almost doubled the existing premises) for completion in 2012. The overall provision of storage space should not be reduced;

- (e) there was not many hotel in the Sha Tin district. The only hotel in the area (i.e. Royal Park Hotel) had been developed up to its maximum potential. Other sites in Siu Lek Yuen and Shek Mun Industrial Areas, which allowed for hotel development, were less conveniently located as compared with the application site which was next to the East Rail Fo Tan Station;
- (f) based on the “Updated Area Assessments” carried out by PlanD, about 63.2% of the industrial premises in FTIA were used for warehouse purposes. There was also a concentration of artists workshops;

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

- (g) the applicant had commissioned the Chinese University of Hong Kong to carry out a research in FTIA. A total of 569 questionnaires and 20 telephone interviews were completed. The respondents agreed to the partial restructuring of land uses in FTIA and the provision of more retail and commercial facilities. Improvement to the pedestrian connection with Fo Tan Station would enhance the image of FTIA;
- (h) the applicant was not proposing a full-scale rezoning of FTIA. To facilitate revitalisation of the industrial area, there was a need for a landmark development in the area;
- (i) the proposed development scheme, with the total GFA (i.e. plot ratio of 9.5) remained the same as the existing buildings, would not increase the scale of development. The Sha Tin Cold Storage would be demolished to make

room for a landscaped public piazza and an enhanced pedestrian connection with Fo Tan Station. The oval-shaped retail mall would be built on stilts, freeing up the ground level space, thus improving air ventilation. The Pak Sik Godown No. 1 would be partly demolished and converted into a 28-storey hotel with the provision of about 3,070m² of art and cultural workshop. The partial conversion of the building would reduce the amount of construction waste. As compared with the existing buildings with 100% site coverage, the proposed development would be less bulky and a gap of 15 m between the two hotel towers was proposed to improve visual permeability and air ventilation. The proposed development would be set back from the railway siding area;

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

- (j) most Government departments consulted had no objection to the application. The Commissioner for Tourism considered that the proposed development would enhance the provision of new hotel rooms and broaden the range of accommodations for visitors. The Chief Architect/Advisory and Statutory Compliance, Architectural Services Department considered the building bulk and height of the indicative scheme of the proposed development quite compatible with the surrounding developments. The concerns raised by CTP/UD&L of PlanD on the visual and landscape aspects, and the technical comments of the MTRCL regarding the possible interface with the railway operation and the future “CDA(1)” development could be further addressed and considered by the Board upon submission of section 16 application for hotel development. Regarding DG of TI’s objection to the application with regard to the possible significant loss of industrial floor space, the applicant considered that the proposed rezoning would not open a floodgate for similar applications as many industrial buildings in FTIA were under multiple ownership;
- (k) photomontages were submitted to demonstrate that the proposed development was less bulky than the existing warehouses and should not have adverse visual impact on the surrounding area, in particular the

existing residential developments nearby; and

- (l) the industrial sites at Sui Lek Yuen were recently rezoned to “I(1)” with provision for hotel development upon application to the Board. As compared with SLYIA, the application site occupied a more strategic location at FTIA, and hence should be given the opportunity for hotel development. The indicative scheme submitted could be further improved at the next stage when planning application was submitted to the Board for consideration. Should the subject application be rejected, an excellent opportunity to revitalise the FTIA would be lost.

10. Mr. Daniel Kwan supplemented the following main points:

- (a) town planning should adopt a more people-oriented approach to address people’s need and aspirations, instead of merely relying on statistics and figures; and
- (b) the original function of the warehouses at the application site was no longer required. The use of the site for hotel development could maximise the land resources and better serve the need of the society.

11. Members raised the following comments and questions:

- (a) whether PlanD had any plan to conduct a comprehensive review for the FTIA;
- (b) what was the occupancy rate of hotels in the Sha Tin district;
- (c) what was the height of the residential developments in the vicinity;
- (d) the application site was located in an existing industrial area, would it be a suitable location when the proposed hotel development did not have any supporting facilities in the surrounding area;

- (e) what was the occupancy rate of the applicant's existing warehouses. Would the approval of the application affect the existing tenants and result in decrease in storage areas;
- (f) was it the applicant's intention to make use of the current application to trigger off the transformation process of FTIA having noted Government's policy to retain FTIA for industrial purpose;
- (g) would the proposed development further aggravate the 'wall effect' created by the existing residential developments along the railway line and adversely affected air ventilation; and
- (h) the existing plot ratio of 9.5 was for industrial uses. Would the applicant consider accepting a lower plot ratio for hotel development.

12. In reply, Mr. W.W. Chan made the following main points:

- (a) while the OZP would be reviewed from time to time, the review of the land use of the FTIA would be conducted in the context of the overall demand and supply of industrial land in the whole territory;
- (b) the occupancy rate of hotels in the Sha Tin district was not available; and
- (c) the building heights of the residential developments in the vicinity of the application site, as detailed in Plan Z-2 of the Paper, were 33 to 38 storeys for the Royal Ascot, 34 storeys for the Jubilee Garden; and 36 to 38 residential storeys on top of 3-storey podium and 1-storey railway depot for the proposed Ho Tung Lau development.

13. In response to Members' comments and questions, Messrs. Kenneth To and Daniel Kwan made the following main points:

- (a) although there was no information on the hotel occupancy rate in the area, the applicant had gathered from the Mainland visitors that hotel

accommodation was not adequate and the locations were not convenient. Fo Tan, with its proximity to the railway station, was considered a suitable location for hotel development;

- (b) even if FTIA was retained for industrial uses, improvements measures such as more street planting and repaving, improved pedestrian and transport facilities could be introduced to improve the overall environment. The proposed hotel development with retail and art/cultural facilities could act a catalyst to attract workers and artists into the area, and promote a facelift of the area;
- (c) a convenient location with easy access to public transport was considered an important factor for siting hotels;
- (d) the proposed warehouse and logistic centre in Tsing Yi with a total GFA of 114,000m² would be completed in 2012. It could be used to accommodate the affected tenants as well as to cater for growing demand of additional storage floor area in future;
- (e) noting that result of the “Updated Area Assessment”, the application site only involved two pieces of industrial land within the FTIA. The approval of the application would unlikely bring about large-scale rezoning in the area because substantial resources would be required and the process would be very lengthy. The rezoning application at this strategic location would help in revitalisation of the FTIA;
- (f) the building height of the proposed 28-storey hotel development was lower than the proposed Ho Tung Tau development to its south. Although the plot ratio of the proposed development remained the same as the existing buildings, the taller and hence narrower building blocks, the 15m gap in between buildings and the opening up of the ground floor level by constructing an oval shaped retail mall on stilts would allow better air ventilation especially at ground level. The proposed development scheme would not create a ‘wall effect’; and

- (g) no proposal on a development scheme with reduced development intensity had been contemplated. The illustrative scheme submitted which based on a plot ratio of 9.5 had already demonstrated some improvements in terms of design as compared with the existing development. It had not been demonstrated if a lower plot ratio would result in a better design. He considered that there was room for further improvement in the design and layout of the proposed development with a PR of 9.5.

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

Deliberation Session

15. The Chairperson pointed out that the Government would undertake periodic review on the demand and supply of industrial land in the whole territory. Since 1980's, about 500 ha of industrial land had been rezoned to other uses and only about 300 ha of industrial land was remained for general industrial uses in the territory. Any further rezoning of industrial land to other uses should be considered in a comprehensive manner.

16. Members had the following comments:

- (a) a few Members commented that the application could be considered as a catalyst to revitalise and transform the FTIA to other beneficial uses;
- (b) a Member considered that the proposal innovative and it would be a market decision as to whether the proposal should be taken forward at this stage;
- (c) some Members pointed out that further technical assessments would be required to demonstrate the possible traffic and visual impacts on the

surrounding area and a survey should be carried out on the occupancy rate of hotels in the district. A Member indicated that the requirement for technical assessments could be further addressed when the applicant submitted section 16 planning application for hotel development under the proposed “I(1)” zoning;

- (d) a Member commented that a more comprehensive approach should be undertaken in considering the application. Whilst the application would involve the redevelopment of Sha Tin Cold Storage and Pak Sik Godown No. 1, it was not sure of the proposed warehouse in Tsing Yi would be completed in time to provide the replaced facilities. In addition, the development at the adjoining “CDA(1)” site had not been approved. The Member considered it more appropriate to consider the rezoning proposal and the “CDA(1)” development at a later stage in a comprehensive manner.

17. The Chairperson pointed out that based on the findings of the Updated Area Assessments conducted by PlanD in 2005, the FTIA should be retained for industrial uses as there were still active and established industrial uses within the area. Should the current application be approved, it might open a floodgate for similar applications in the FTIA, thus resulting in a cumulative loss of industrial floor space, especially storage space use. A cautious approach should be adopted in considering the proposed rezoning, taking into account the widespread effect on the overall supply and demand of industrial land.

18. The Secretary supplemented that throughout the years, the Board had introduced a number of measures to allow greater flexibility in the use of industrial land. These measures included expanding the definition of “Industrial Use”; extending the types of permitted uses in “I” zone; and introducing a new zoning of “Other Specified Uses” annotated “Business” (“OU(B)”) zone to encourage general business use. Since 1980’s, the amount of industrial land had decreased from 800 ha to about 304 ha at present. The Updated Area Assessments completed in 2005 revealed that although there was a surplus of about 40.5 ha of industrial land in 2005, there would be a projected deficit of about 20.5 ha in 2017 and there was a growing demand for warehousing over the years. In this regard, the overall supply and demand of industrial land in the territory should be closely monitored. The findings and recommendations of the Updated Area Assessment were considered by the

Board in 2006 and it was agreed that a cautious approach be taken in considering further rezoning of the remaining industrial land in the territory (amounting to about 304 ha only). In considering the current application, the precedent effect it brought about should be carefully considered.

19. In response to a Member's query on the nature and programme of industrial developments in the Kwu Tung New Development Area (NDA), the Chairperson replied that the Kwu Tung NDA was planned for business-type developments or low-density industrial estates to meet the need of the logistics industry. Site formation of the NDA would be carried out in around 2015/2016. The industrial land would also be taken into account in the future updating of the Area Assessment of Industrial Land in the Territory.

20. The Chairperson concluded that as Members had a general consensus to consider the application in a comprehensive manner, taking into account the effect on the overall demand and supply of industrial land in the territory, the Committee would not agree to the application but would urge the Administration to conduct a comprehensive review on the supply and demand of industrial land in the territory and further possibility for rezoning.

21. The Chairperson also remarked that opportunity could also be taken to review the development intensity of an old industrial area upon rezoning to other commercial or business uses. Members agreed.

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

- (a) the subject site was located in the well-established Fo Tan Industrial Area in which industrial activities were active. The proposed amendment to "Industrial (1)" ("I (1)") zone for hotel development was not in line with the 'Updated Area Assessments of Industrial Land in the Territory' which recommended that the Fo Tan Industrial Area should continue to be reserved for general industrial uses for adequate supply of industrial floor space. The approval of the request for amendment would encourage non-industrial undertakings in the "Industrial" zone and set an undesirable precedent for other similar requests. The cumulative effect would likely

result in a significant loss of industrial floor space in the area;

- (b) there were insufficient information in the submission to support the proposed hotel development that it would not cause adverse visual and landscape impacts;
- (c) there were insufficient information in the submission to support the proposed hotel development that it would not affect the operation of railway and railway siding area and the future development of the adjoining “Comprehensive Development Area (1)” site; and
- (d) there was no strong justification for rezoning the site to “I(1)” with provisions for applications for ‘Hotel’ in Column 2.

[Ms. Anna S.Y. Kwong left the meeting and Dr. C.N. Ng left the meeting temporarily at this point.]

[Mr. W.W. Chan, Senior Town Planner/Shu Tin, Tai Po and North (STP/STN) was invited to the meeting at this point.]

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

[Open Meeting (Presentation and Question Sessions only)]

- (ii) Y/NE-KTS/1 Application for Amendment to the Draft Kwu Tung South Outline Zoning Plan No. S/NE-KTS/11 from “Agriculture” to “Government, Institution or Community (1)” zone, Various Lots in DD 100 and Adjoining Government Land, Lin Tong Mei, Kwu Tung South, Sheung Shui (RNTPC Paper No. Y/NE-KTS/1B)
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Presentation and Question Sessions

23. The Secretary said that the application was submitted with Christopher Leung & Associates Ltd. (CLA) and Hyder Consulting Ltd. (Hyder) being two of the applicant's consultants. Dr. James C.W. Lau, having current business dealings with CLA and Hyder, had declared interests in this item. Since the applicant had requested the Committee to defer consideration of the application, Dr. Lau could be allowed to stay in the meeting.

24. The Committee noted that the applicant requested on 15.2.2008 for a further deferment of the consideration of the application to allow more time to prepare further supplementary information to address departmental comments.

Deliberation Session

25. 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 three months from the date of receipt of additional information from the applicant. The Committee also agreed to advise the applicant that two months were allowed for preparation of the submission of the further information, and no further deferment would be granted unless under very special circumstances.

Agenda Item 4

Section 16 Applications

[Open Meeting (Presentation and Question Sessions Only)]

- (i) A/NE-KTN/125 Proposed House
(New Territories Exempted House – Small House)
in “Agriculture” zone,
Lot 1358B in DD 95, Ho Sheung Heung,
Sheung Shui
(RNTPC Paper No. A/NE-KTN/125)
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- (ii) A/NE-KTN/126 Proposed House
(New Territories Exempted House – Small House)
in “Agriculture” zone,
Government Land in DD 95, Ho Sheung Heung,
Sheung Shui
(RNTPC Paper No. A/NE-KTN/126)
-

Presentation and Question Sessions

26. Noting that the two applications submitted by the same applicant’s representative were similar in nature and the application sites were located close to each other, Members agreed to consider the two applications together.

27. Mr. W.W. Chan, STP/STN, presented the applications and covered the following aspects as detailed in the Papers :

- (a) background to the applications;
- (b) the proposed houses (New Territories Exempted Houses (NTEH) – Small Houses);
- (c) departmental comments – the Director of Agricultural, Fisheries and Conservation (DAFC) did not favour the application from agricultural development point of view since the application site was classified as good agriculture land with a high potential for agricultural rehabilitation. The Assistant Commissioner for Transport/New Territories, Transport Department (AC for T/NT, TD) had reservation on the application on the consideration that approval of such development would set undesirable precedent and the resulting cumulative adverse traffic impact could be substantial. Other concerned departments had no objection to or no adverse comments on the applications;

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

- (d) one public comment from the same commenter was received on each

application during the statutory publication period who expressed no comment. The District Officer advised that Chairman of the Sheung Shui District Rural Committee and one of the Village Representatives of Ho Sheung Heung were consulted and supported the application; and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the applications based on the assessment given in paragraph 11 of the Papers. The proposed Small Houses complied with the Interim Criteria for assessing planning applications for NTEH/Small House development in that both the application site and the footprint of the proposed Small Houses fell entirely within the 'Village Environ' ('VE') of Ho Sheung Heung Village, and there was a general shortage of land in meeting the demand for Small House development in the "Village Type Development" ("V") zone of the same village. There was no local objection or public comment against the applications. Although DAFC did not favour and AC for T/NT, TD had reservation on the applications, it was noted that the application sites were located very close to the boundary of the "V" zone and fell entirely within the 'VE' and the proposed developments were not incompatible with the adjacent village setting and surrounding environment of a rural character. Besides, the sites were not covered by significant vegetation and adverse landscape impact was unlikely. Sympathetic consideration could therefore be given as other relevant Government departments had no objection to the applications.

28. Members had no question on the applications.

Deliberation Session

29. After deliberation, the Committee decided to approve the applications, on the terms of the applications as submitted to the Town Planning Board (TPB). Each permission should be valid until 22.2.2012, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. Each permission was subject to the following conditions :

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

30. The Committee also agreed to advise each applicant :

- (a) to note the Chief Engineer/Development(2), Water Supplies Department's (WSD) comments that:
 - (i) the application site was located within flood pumping gathering ground associated with River Indus and River Ganges pumping stations;
 - (ii) for provision of water supply to the proposed development, the applicant might need to extend his inside services to the nearest suitable Government water mains for connection. The applicant should resolve any land matter (such as private lots) associated with the provision of water supply, and should be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD's standards;
 - (iii) water mains in the vicinity of the application site could not provide the standard fire-fighting flow; and
- (b) to note that the permission was only given to the development under application. If provision of an access road was required for the proposed development, the applicant should ensure that such access road (including any necessary filling/excavation of land) complied with the provisions of

the relevant statutory plan and obtained planning permission from the TPB where required before carrying out the road works.

[Open Meeting (Presentation and Question Sessions Only)]

- (iii) A/ST/666 Proposed Shop and Services (Fast Food Shop)
in “Industrial” zone,
Shop B2, LG/F, Valiant Industrial Centre,
2-12 Au Pui Wan Street, Fo Tan, Sha Tin
(RNTPC Paper No. A/ST/666)
-

Presentation and Question Sessions

31. Mr. W.W. Chan, STP/STN, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed shop and services (fast food shop);
- (c) departmental comments – concerned Government departments had no objection to or no adverse comments on the application;
- (d) two public comments were received during the statutory publication period, with the one from the Incorporated Owners of an industrial building nearby agreeing to the application on the ground that the fast food shop could conveniently serve the needs of increasing number of workers in the area, and the other from a Sha Tin District Council Member expressing no comment; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessment given in paragraph 12 of the Paper.

32. Members had no question on the application.

Deliberation Session

33. 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 22.2.2012, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the condition that the provision of fire service installations to the satisfaction of the Director of Fire Services or of the TPB.

34. The Committee also agreed to advise the applicant :

- (a) to resolve any land issues relating to the development with the concerned owner(s) of the application premises;
- (b) to apply to the District Lands Officer/Shia Tin, Lands Department for a temporary waiver to permit the applied use;
- (c) to note the comments of the Chief Building Surveyor/New Territories East, Buildings Department regarding proposed building works;
- (d) to note the comments of the Director of Fire Services that the proposed fast food shop should only be licensed and operated as 'food factory' or as 'factory canteen'. Fast food shop licensed and operated as 'restaurant' or 'light refreshment restaurant' would not be accepted; and
- (e) to refer to the 'Guidance Note on Compliance with Planning Condition on Provision of Fire Safety Measures for Commercial Uses in Industrial Premises', which was promulgated by the TPB in September 2007, for the information on the steps required to be followed in order to comply with the approval condition on the provision of fire service installations.

[Open Meeting (Presentation and Question Sessions Only)]

- (iv) A/TP/400 Proposed House
(New Territories Exempted House – Small House)
in “Village Type Development” and “Green Belt” zones,
Lots 328, 339A, 345A and 346A in DD 32,
Ha Wong Yi Au, Tai Po
(RNTPC Paper No. A/TP/400)
-

Presentation and Question Sessions

35. Mr. W.W. Chan, STP/STN, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed house (New Territories Exempted House (NTEH) – Small House);
- (c) departmental comments – the Chief Town Planner, Urban Design and Landscape, Planning Department raised objection to the application on the grounds that the required site formation and retaining wall for the proposed Small House would affect the trees on and immediately surrounding the application site and the approval of the application would likely invite more similar applications hence pushing the village boundary outward into the green belt and eroding the naturalistic hillside landscape in the area. The Assistant Commissioner for Transport/New Territories, Transport Department had reservation on the application on the consideration that the NTEH development should be confined within the “Village Type Development” (“V”) zone as far as possible and the approval of such development would set undesirable precedent and the resulting cumulative adverse traffic impact could be substantial. The Director of Agriculture, Fisheries and Conservation considered that the proposed development was not in line with the planning intention of the “Green Belt” (“GB”) and “Countryside Conservation Area” zone on the concerned Outline Zoning Plan and layout plan respectively;

- (d) two public comments were received during the statutory publication period, with the one from the Tai Po District Council Member representing the Indigenous Villager Representatives and relevant indigenous villagers of Ha Wong Yi Au supported the application and the other from the Kadoorie Farm & Botanic Garden Corporation objected the application on the grounds of not in line with the planning intention of “GB” zone; several natural trees were found in the area but no protection measures or compensatory planting proposal were submitted; and potential landslide risk. The District Officer (Tai Po) had consulted the Indigenous Inhabitants’ Representative and the Residents’ Representative of Ha Wong Yi Au Village with the former agreed to the application and the latter had no comment; and

- (e) the Planning Department (PlanD)’s views – PlanD did not support the application based on the assessment in paragraph 12 and for reasons given in paragraph 13.1 of the Paper. The proposed development did not meet the Interim Criteria for assessing planning applications for NTEH/Small House development as it was not in line with the planning intention of the “GB” zone and would cause adverse landscape impact on the surrounding areas. There was no strong justification in the submission for a departure from such planning intention. The application did not comply with the Town Planning Board Guidelines for ‘Application for Development within “GB” zone in that it would involve clearance of natural vegetation and affect the existing natural landscape of the surrounding environment. The approval of the application would set an undesirable precedent for similar applications, the cumulative effect of which would result in a general degradation of the natural environment in the area.

36. Members had no question on the application.

Deliberation Session

37. The Committee noted that the site formation works of the proposed Small House

would affect the existing trees which were worth to be preserved.

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

- (a) the proposed development was not in line with the planning intention of the “Green Belt” (“GB”) zoning for the area which was to define the limits of urban and sub-urban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets. There was a general presumption against development within this zone. There was insufficient information in the submission to justify a departure from this planning intention;
- (b) the application did not comply with the Town Planning Board Guidelines for ‘Application for Development within “GB” zone under section 16 of the Town Planning Ordinance’ in that the required site formation and retaining wall for the proposed Small House would affect the trees on and immediately surrounding the application site. There was insufficient information in the submission to demonstrate that the proposed development would not have any adverse landscape impact on the surrounding areas; and
- (c) the approval of the application would set an undesirable precedent for similar applications within the “GB” zone. The cumulative effect of approving such applications would result in further encroachment of green belt area by building development and a general degradation of the natural environment in the area.

[The Chairperson thanked Mr. W.W. Chan, STP/STN, for his attendance to answer Members’ enquires. Mr. Chan left the meeting at this point.]

Tuen Mun and Yuen Long District

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

Agenda Item 5

Section 16 Applications

[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/358C)
-

Presentation and Question Sessions

39. The Secretary said that 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, had declared interests in this item. Since the applicant had requested the Committee to defer consideration of the application, Messrs. Yap and Cheng could be allowed to stay in the meeting.

40. The Committee noted that the applicant requested on 1.2.2008 for a further deferment of the consideration of the application for two months as more time was required to prepare supplementary information to address the comments of Environmental Protection Department and Transport Department as well as to update the Environmental Impact Assessment and Traffic Impact Assessment based on the latest traffic data.

Deliberation Session

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

[Open Meeting (Presentation and Question Sessions Only)]

- (ii) A/YL-PS/280 Proposed Minor Relaxation of Building Height Restriction for a Proposed Vehicle Repair Workshop in “Industrial” zone, Lots 392 and 393 in DD 127, Yuen Long
(RNTPC Paper No. A/YL-PS/280)
-

Presentation and Question Sessions

42. Miss Paulina Y.L. Kwan, STP/TMYL, informed the Committee that there was a typo in paragraph 3.2 of the Paper of which the period allowed for preparation of submission of further information should be two weeks instead of three weeks.

43. The Committee noted that the applicant requested on 5.2.2008 for a deferment of the consideration of the application until the next Committee meeting so as to allow time for him to prepare minor revision to the proposed scheme.

Deliberation Session

44. 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 on 7.3.2008 for consideration subject to there being no further information submitted which would require publication for public comments. The Committee also

agreed to advise the applicant that two weeks 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)]

- (iii) A/YL-KTN/289 Temporary Open Storage of Light Goods Vehicles for Sale for a Period of 3 Years in “Residential (Group D)” zone, Lots 666B(Part) and 667(Part) in DD 110, Kam Tin Road, Yuen Long
(RNTPC Paper No. A/YL-KTN/289)
-

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the temporary open storage of light goods vehicles for sale for a period of 3 years;
- (c) departmental comments – the District Lands Officer/Yuen Long (DLO/YL) did not support the application as the applicant failed to apply for the cancellation and reissue of the Short Term Waiver regarding the change of user and the regularisation of the unauthorised structure subsequent to the planning permission granted in 2007. The Director of Environmental Protection (DEP) did not support the application as there was an existing use for residential purpose in the vicinity of the site and environmental nuisance was expected. Other concerned departments had no objection to or no adverse comment on the application;
- (d) no public comment was received during the statutory publication period and no local objection/view was received by the District Officer; and

- (e) the Planning Department (PlanD)'s views – PlanD considered that the application could be tolerated based on the assessment given in paragraph 12 of the Paper. The development which fell within Category 3 area was in line with Town Planning Board Guidelines No. 13D in that there were previous approvals granted on the site for the applied use, the applicant had demonstrated effort in complying with the approval conditions, and concerned departments had no adverse comment on the application. Sympathetic consideration could be given to the current application and a shorter compliance period should be imposed to monitor the fulfilment of condition. The approval of the application on a temporary basis would not frustrate the planning intention of the “Residential (Group D)” (“R(D)”) zone which had yet to have any implementation programme. The proposed development was considered not incompatible with the surrounding land uses. The environmental nuisance generated by the proposed small-scale development would not be significant and no environmental complaint was received in the past four years. Besides, no local objection was received. To address the concern of DEP on the possible nuisance generated by the proposed temporary use, appropriate approval conditions and advisory clause were recommended to be imposed. As regards DLO/YL's concern which was a land administration matter, relevant clause was recommended to be imposed to advise the applicant to apply for the STW.

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

Deliberation Session

46. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 22.2.2011, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no medium or heavy goods vehicles (i.e. exceeding 5.5 tonnes) as defined in the Road Traffic Ordinance or container trailers/tractors were allowed to be parked/stored on the site during the planning approval period;

- (b) no vehicle dismantling, maintenance, repairing, cleansing, paint spraying and other workshop activities should be carried out on the site at any time during the planning approval period;
- (c) no night time operation between 6:00 p.m. and 9:00 a.m. on Mondays to Saturdays, as proposed by the applicant, was allowed on the site during the planning approval period;
- (d) no operation on Sundays and public holidays was allowed on the site during the planning approval period;
- (e) the drainage facilities implemented on the application site (under Application No. A/YL-KTN/175) should be maintained at all times during the planning approval period;
- (f) 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 22.5.2008;
- (g) 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;
- (h) if the above planning condition (f) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and
- (i) upon expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the TPB.

47. The Committee also agreed to advise the applicant :

- (a) that the permission was given to the use under application. It did not condone any other use which currently existed on the site but not covered by the application;
- (b) to note that a shorter compliance period was granted so as to monitor the situation on site and fulfilment of approval conditions;
- (c) to note the District Lands Officer/Yuen Long, Lands Department's comments that his office reserved the right to take lease enforcement action against the irregularities and the applicant should apply for the cancellation and reissue of Short Term Waiver regarding the change of user and the regularisation of unauthorised structures on Lot No. 667 in D.D. 110, as well as his comment on the site area;
- (d) to note the Chief Highway Engineer/New Territories West, Highways Department's (HyD) comments that the HyD was not/should not be responsible for the maintenance of any existing vehicular access connecting the application site and Kam Tin Road;
- (e) 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 to minimise any possible environmental nuisances;
- (f) to note the Director of Fire Services' comments that detailed fire safety requirement would be formulated upon receipt of formal submission of general building plans;
- (g) to note the Chief Building Surveyor/New Territories West, Buildings Department's comments that the granting of planning approval should not be construed as an acceptance of the unauthorized structures on site under the Buildings Ordinance. Enforcement action might be taken to effect the removal of all unauthorized works in the future. Authorized Person must

be appointed to coordinate all building works; and

- (h) 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 overhead lines away from the vicinity of the proposed development.

[Dr. James C.W. Lau returned to join the meeting at this point.]

[Open Meeting (Presentation and Question Sessions Only)]

- (iv) A/YL-TT/222 Temporary Open Storage of Metal Products
for a Period of 3 Years
in "Village Type Development" zone,
Lot 3106 in DD 120, Sham Chung Road, Tai Tong,
Yuen Long
(RNTPC Paper No. A/YL-TT/222)
-

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the temporary open storage of metal products 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 including residential dwellings in the vicinity of the site and environment nuisances were expected. The Chief Town Planning/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) did not support the application

from landscape planning point of view as the proposed temporary open storage was not compatible with the surrounding village setting and no information was submitted to demonstrate that there would not be adverse impact on existing landscape character of the area;

- (d) no public comment was received during the statutory publication period and no local objection/view was received by the District Officer; and
- (e) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessment in paragraph 12 and for reasons given in paragraph 13.1 of the Paper. The proposed development was not in line with the planning intention of the “Village Type Development” (“V”) zone and there was no strong justification for a departure from the planning intention, even on a temporary basis. The proposed development which fell within Category 4 area was not in line with Town Planning Board Guidelines No. 13D in that there were no exceptional circumstances to merit approval since no previous approval had been granted at the site for open storage use and the development was not compatible with the residential dwellings in the vicinity of the site, with the nearest one less than 10m from the site. In this regard, DEP did not support the application as environmental nuisances were expected. No information was submitted to demonstrate that no adverse environmental and landscape impacts on the surrounding areas would be caused. Approval of the application would set an undesirable precedent for similar uses to proliferate into the “V” zone, the cumulative effect of which would result in a general degradation of the environment of the area.

Deliberation Session

49. The Committee considered that the applied open storage use was not compatible with other developments within the “V” zone.

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

- (a) the proposed development was not in line with the planning intention of the “Village Type Development” (“V”) zone which was to designate both existing recognized villages and areas of land considered suitable for village expansion. No strong justification had been given in the submission for a departure from the planning intention, even on a temporary basis;
- (b) the proposed development did not comply with the Town Planning Board Guidelines for ‘Application for Open Storage and Port Back-up Uses’ (TPB PG-No.13D) in that the development was not compatible with the residential dwellings in the vicinity of the site, there were no exceptional circumstances to merit approval and also there were adverse departmental comments against the applied use;
- (c) there was no information in the submission to demonstrate that the proposed development would not cause adverse environmental and landscape impacts on the surrounding areas; and
- (d) the approval of the application would set an undesirable precedent for similar uses to proliferate in the “V” zone. The cumulative effect of approving such applications would result in a general degradation of the environment of the area.

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

[Open Meeting (Presentation and Question Sessions Only)]

- (v) A/YL-TYST/378 Temporary War Game Field
for a Period of 3 Years in “Green Belt” zone,
Lots 604-609, 612-622, 696(Part) and 697(Part) in DD 119,
Pak Sha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-TYST/378)
-

51. The Committee noted that the applicant requested on 19.2.2008 for a deferment of the consideration of the application for two months in order to allow him more time to resolve the outstanding issues of the application.

Deliberation Session

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

[Open Meeting (Presentation and Question Sessions Only)]

- (vi) A/YL-LFS/171 Renewal of Planning Approval for Temporary Open Storage of Containers and Construction Materials with Ancillary Visitor/Trailer Parking and Office under Application A/YL-LFS/138 for a Period of 3 Years until 18.2.2011 in “Residential (Group E)” zone, Lots 2177, 2193, 2194, 2195, 2196, 2197, 2198, 2199, 2200, 2201(Part), 2225(Part), 2228A(Part), 2228B(Part), 2278, 2279A, 2279B, 2280, 2285, 2286, 2287, 2288, 2289, 2291, 2292, 2294, 2295, 2296(Part), 2302(Part), 2305(Part), 2306, 2310, 2311, 2312, 2313, 2314A, 2314RP, 2317, 2318, 2320, 2321, 2322, 2323, 2324, 2325A, 2325B, 2325RP, 2326, 2327, 2328, 2334(Part), 2336A(Part), 2336B, 2337, 2338, 2339A(Part), 2340, 2341(Part), 2342, 2343, 2344A, 2344B, 2344C, 2348, 2349, 2350, 2351, 2352(Part), 2353, 2364, 2365, 2366A(Part), 2366RP, 2367, 2368, 2369, 2370, 2371, 2373A, 2373RP, 2374, 2375, 2376A, 2376B, 2376C, 2377, 2378RP and 3450(Part) in DD 129 and Adjoining Government Land, Lau Fau Shan, Yuen Long (RNTPC Paper No. A/YL-LFS/171)
-

Presentation and Question Sessions

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

- (a) background to the application, highlighting that all approval conditions of the previous application (No. A/YL-LFS/138) for the same use submitted by the same applicant had been complied with;
- (b) the renewal of planning approval for temporary open storage of containers and construction materials with ancillary visitor/trailer parking and office

under Application No. A/YL-LFS/138 for a period of 3 years until 18.2.2011;

- (c) departmental comments – the Assistant Commissioner for Transport/New Territories, Transport Department (AC for T/NT, TD) considered that the approval of the application might set an undesirable precedent for other similar applications in the surrounding areas which might induce cumulative adverse traffic impact on the nearby road network. The Director of Environmental Protection (DEP) said that three waste pollution complaints against the site were received from January 2004 to October 2007. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) said that the existing vegetation within the site was generally maintained in order except that a few planted trees were found missing and replacement planting was required. Other concerned Government departments had no objection to or no adverse comments on the application;

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

- (d) no public comment was received during the statutory publication period and no local objection/view was received by the District Officer; and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the application could be tolerated based on the assessment given in paragraph 12 of the Paper. There was no immediate development proposal for the site and the applied temporary use could be tolerated in the interim. The proposed development was not incompatible with the surrounding uses predominantly occupied for vehicle parks, workshops and open storage yards. Given the subject site occupied nearly 50% of the “Residential (Group E)” (“R(E)”) zone, approval of the application on a temporary basis for a period of one year would be more appropriate to monitor the development on site and to facilitate the early implementation of the “R(E)” zone. Besides, a shorter compliance period should also be imposed in order to monitor the fulfilment of approval conditions. As

there were three pollution complaints on waste against the site over the last 3 years and workshop activities were found, an additional condition to prohibit workshop activities on the site and an advisory clause had been recommended to mitigate any potential environmental impacts. With regard to the concerns raised by AC for T/NT of TD on the setting of undesirable precedent, there were similar open storage uses approved in the area and other Government departments consulted had no adverse comment on the application. The requirement of compensatory planting within the application site could be addressed by the imposition of relevant approval condition.

54. In response to a Member's query, Mr. Anthony C.Y. Lee replied that the recommendation of granting a shorter approval period of one year was to allow closer monitoring of the development on site and to facilitate early implementation of the "R(E)" zone should the market conditions allowed.

Deliberation Session

55. Noting that an application for house development within the same "R(E)" zone was rejected by the Committee for the reason that the development was subject to adverse environmental impacts from the industrial developments nearby, two Members considered that the applicant should be reminded of the planning intention of the "R(E)" zone (which was primarily for phasing out of existing industrial uses through redevelopment for residential use) and the approval was to allow time for the applicant to identify suitable site for relocation.

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

56. The Secretary informed the Committee that a paper on the review of Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses (TPB PG-No. 13D) which were relevant to the application site would soon be submitted to the Town Planning Board for consideration. The paper had incorporated a comprehensive review on the classification of some sites under the four categories of the above TPB PG. The classification of the "R(E)" zone where the application site was located would be further

discussed at that meeting. Whether and when the development should be relocated to make way for permanent development to meet the planning intention should be determined in the context of the review of the classification of the site.

57. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 1 year until 18.2.2009, 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 8:00 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 was allowed on the site during the planning approval period;
- (c) the stacking height of materials stored within 5 metres of the periphery of the site should not exceed the height of the boundary fence at any time during the planning approval period;
- (d) the stacking height of containers stored at any other location within the site should not exceed 4 units at any time during the planning approval period;
- (e) no cutting, dismantling, cleansing, repairing and workshop activities was allowed on the site at any time during the planning approval period;
- (f) the implementation of the layout plan submitted under Application No. A/YL-LFS/138 for the development;
- (g) the drainage facilities implemented on the site under Application No. A/YL-LFS/138 should be maintained at all times during the planning approval period;
- (h) 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 22.5.2008;

- (i) the submission of a tree preservation proposal within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 22.5.2008;
- (j) in relation to (i) above, the implementation of tree preservation proposal and compensatory planting within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 22.8.2008;
- (k) the submission of fire service installations proposals within 3 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 22.5.2008;
- (l) in relation to (k) above, the provision of fire service installations proposed within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 22.8.2008;
- (m) the provision of fencing for the site within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 22.5.2008;
- (n) if any of the above planning conditions (a), (b), (c), (d), (e), (f) or (g) 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;
- (o) if any of the above planning conditions (h), (i), (j), (k), (l) or (m) was not complied with by the above specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and
- (p) upon expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of

the TPB.

58. The Committee also agreed to advise the applicant :

- (a) to note that shorter approval and compliance periods were granted in order to monitor the development and the fulfilment of approval conditions;
- (b) that the permission was given to the use/development under application. It did not condone any other use/development which currently existed on the site but not covered by the application. The applicant should take immediate action to discontinue such use/development not covered by the permission;
- (c) to resolve any land issues relating to the development with the concerned owner(s) of the application site;
- (d) to note the District Lands Officer/Yuen Long, Lands Department's comments that the site situated on Old Schedule Agricultural Lots granted under the Block Government Lease upon which no structure was allowed to be erected without prior approval from his office, to clarify the discrepancy between the existing occupation area with that under application and to apply for Short Term Waiver and Short Term Tenancy to regularize the irregularities on site. Otherwise, his office, on review of the situation, would resume or take new action as appropriate according to the established district lease enforcement and land control action;
- (e) to note the comments of the Chief Engineer/Development (2), Water Supplies Department that existing water mains were affected and diversion was necessary, the cost of which should be borne by the applicant. In case diversion was not feasible, a waterworks reserve within 1.5m from the centre line of the water main concerned should be provided to his Department. No structure should be erected over any waterworks reserves, and such areas should not be used for storage purposes. Free access to the said area should be maintained and provided to the Water Authority and his

officers, agents and contractors and their workmen with necessary plant and vehicles at all times for the purpose of inspecting, laying, repairing and maintenance of the water mains and all other associated installations and services across, through or under the said area. The Government should not be liable for any damage whatsoever and however caused arising from burst or leakage of the public water mains within and in the vicinity of the site;

- (f) to note the Director of Fire Services' comments 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 that detailed fire safety requirements would be formulated upon receipt of formal submission of general building plans;
- (g) 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; and
- (h) to note the Assistant Commissioner for Transport/New Territories, Transport Department's comments that the land status of the road/path/track leading to the site should be checked with the lands authority and that the management and maintenance responsibilities of this road/path/track should be clarified, and consulted the relevant lands and maintenance authorities accordingly.

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

Agenda Item 6

Any Other Business

59. There being no other business, the meeting was closed at 4:20 p.m..