

TOWN PLANNING BOARD

Minutes of 377th Meeting of the Rural and New Town Planning Committee held at 2:30 p.m. on 1.8.2008

Present

Director of Planning Mrs. Ava S.Y. Ng	Chairperson
Mr. Alfred Donald Yap	Vice-chairman
Mr. Edmund K.H. Leung	
Mr. B.W. Chan	
Mr. Y.K. Cheng	
Ms. Anna S.Y. Kwong	
Dr. James C. W. Lau	
Mr. Timothy K.W. Ma	
Mr. Tony C.N. Kan	
Chief Traffic Engineer/New Territories West, Transport Department Mr. Y.M. Lee	
Assistant Director (Environmental Assessment)(Atg.), Environmental Protection Department Mrs. Shirley Lee	
Assistant Director/New Territories, Lands Department Mr. C.S. Mills	

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

Secretary

Absent with Apologies

Mr. David W.M. Chan

Professor David Dudgeon

Professor Paul K.S. Lam

Professor Edwin H.W. Chan

Mr. Rock C.N. Chen

Dr. C.N. Ng

Ms. Maggie M.K. Chan

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

In Attendance

Assistant Director of Planning/Board
Mr. Lau Sing

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

Town Planner/Town Planning Board
Mr. Terence Leung

Agenda Item 1

Confirmation of the Draft Minutes of the 376th RNTPC Meeting held on 18.7.2008

[Open Meeting]

1. The draft minutes of the 376th RNTPC meeting held on 18.7.2008 were confirmed without amendments.

Agenda Item 2

Matters Arising

[Open Meeting]

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

Sai Kung and Islands District

Agenda Item 3

Section 12A Application

[Open Meeting (Presentation and Question Sessions only)]

- Y/SLC/1 Application for Amendment to the Approved South Lantau Coast Outline Zoning Plan (OZP) No. S/SLC/14, from “Green Belt” to “Residential (Group C) 1” with a maximum plot ratio of 0.6664, maximum site coverage of 33.33% and maximum building height of 2 storeys, Lot 661 in DD 329, 37 San Shek Wan, Lantau
(RNTPC Paper No. Y/SLC/1)
-

Presentation and Question Sessions

[The hearing was conducted in English and Cantonese.]

3. Mrs. Margaret W.F. Lam, Senior Town Planner/ Sai Kung and Islands (STP/SKIs), Mr. Ian Brownlee and Mr. Chapman Lam, the applicant’s representatives, were

invited to the meeting at this point.

4. The Chairperson extended a welcome and briefly explained the hearing procedures. She then invited the Planning Department (PlanD)'s representative to brief Members on the background to the application.

[Dr. James Lau arrived to join the meeting at this point.]

5. Mrs. Margaret Lam presented the application with the aid of a Powerpoint presentation and covered the following aspects as detailed in the Paper:

- (a) background to the application;
- (b) the proposed rezoning from “Green Belt” (“GB”) to “Residential (Group C)1” (“R(C)1”) with a maximum plot ratio (PR) of 0.6664, maximum site coverage (SC) of 33.33% and maximum building height of 2 storeys (7.62m);
- (c) departmental comments – the Assistant Commissioner for Transport/New Territories, Transport Department (AC for T/NT, TD) had reservation on the application as the only existing external road link for the site was South Lantau Road which was a single 2-lane carriageway with limited capacity. The approval of the application would set a precedent for all other similar applications in the area. The cumulative traffic impact of all these similar applications could be substantial and would cause adverse traffic impact to the nearby road network. The Chief Town Planner/Urban Design & Landscape, Planning Department (CTP/UD&L, PlanD) objected to the application as there was insufficient information on the preservation of the existing trees at the site and no Landscape Master Plan was submitted to illustrate that the proposed development matched with the landscape character of the surrounding “GB” areas;
- (d) four public comments had been received during the statutory publication period. Two of them were concerned about environmental degradation

while the other two considered that the intensity of the proposed development was excessive;

- (e) the PlanD's views – PlanD did not support the application based on the assessments as detailed in Paragraph 12 of the Paper. The site was located on a hillslope densely covered with well-grown mature trees and natural vegetation. The current “GB” zone was appropriate for the site. There was insufficient information in the submission to illustrate that the development would match harmoniously with the landscape character of the surrounding “GB” zone. The proposed PR of 0.6664 for the “R(C)1” zone was considered excessive, as it far exceeded the PR restriction of the existing “R(C)” zone in the area, which was 0.4. Approval of the application would set an undesirable precedent for similar applications, the cumulative impacts of which would overstrain the capacity of the existing and planned infrastructure of the area.

6. The Chairperson then invited the applicant's representatives to elaborate on the application.

[Mr. Tony Kan arrived to join the meeting at this point.]

7. Mr. Ian Brownlee informed the meeting that a document was tabled at the meeting for Members' reference. With the aid of a Powerpoint presentation, Mr. Brownlee made the following main points:

- (a) the lease conditions restricted the site to the development of one house. The floor area and the SC were restricted to 564.5m² and 33.33% respectively, and the building height was limited to 2 storeys. The existing development right of the applicant under the lease had to be respected. There had to be overriding, good planning reasons to take away the development right of the applicant;
- (b) the site was occupied by an abandoned house with an outdoor swimming pool, and there was not much vegetation at the site to merit a “GB” zone.

A proper and sensitive development on the site in accordance with the lease conditions was considered appropriate for the locality;

- (c) making reference to the approved Clear Water Bay North Outline Zoning Plan No. S/SK-CWBN/3, where the sub-areas of the “R(C)” zone were stipulated with different restrictions on development intensities closely following the existing lease conditions of the concerned sites, it should be possible to designate a sub-area of “R(C)” to reflect the lease conditions of the current application site;
- (d) the previously rejected planning applications (No. NT/SLT/2P and No. A/SLC/72) were not submitted by the current applicant. Unlike the current application which only proposed one house, the previous applications both involved the development of four houses;
- (e) the reasons for rejection for Application No. A/SLC/72 included, among others, that the proposed development was not in line with the planning intention of the “GB” zone and did not comply with the “Town Planning Board Guidelines for Application for Development within Green Belt Zone under Section 16 of the Town Planning Ordinance” (TPB PG-No. 10). In view of these reasons for rejection, a s.12A application to rezone the application site from “GB” to “R(C)1” was submitted;
- (f) the application site was recently purchased by the applicant. The applicant cleared the site, which was then overgrown with vegetation, under the guide of a landscape architect, and only damaged trees were cleared. A tree survey plan had been submitted in the supplementary information dated 21.5.2008;
- (g) only one-third of the site would be built upon, so there would be plenty of space for planting and landscaping. The site was also hidden from public view from all directions, and so there would not be adverse visual impact;
- (h) it was the intention of the applicant to retain the mature *Araucaria*

heterophylla at the site, as was shown in the landscape plan tabled at the meeting. Some other existing trees at the site would be preserved, and additional trees would be planted at the site;

- (i) on the public comments received, the Green Lantau Association and the Living Islands Movement had no in-principle objection to the application and accepted that the site could be rebuilt as a residential lot. On the comments of Kadoorie Farm and Botanic Garden Corporation, it should be noted that the site was cleared in a responsible manner, and no lease conditions were breached;
- (j) as pointed out in a recent court case – Smart Gain Investment Limited v. Town Planning Board, and Smart Gain Investment Limited v. Chief Executive in Council and Town Planning Board (HCAL 12/2006 and HCAL 12/2007) (a relevant page was tabled at the meeting), when we considered whether a certain decision would set a precedent, one had to compare like with like. Approving the subject rezoning request would only set a precedent for applications involving similar sites with similar characteristics;
- (k) for the current application, the only site with similar characteristics was a building lot in the “GB” zone in Chi Ma Wan, but it was smaller in size (of 2,600 sq. feet) than the current application site. Therefore, no undesirable precedent would be set;
- (l) the proposed PR was considered not excessive as the applicant only intended to develop one house which was his existing development right. A similar planning application (No. A/SLC/80) for redevelopment of an existing house in the “Coastal Protection Area” (“CPA”) zone in San Shek Wan in South Lantau was approved by the Committee on 14.1.2005. In that application, the Committee allowed redevelopment of the house to the PR of the existing house, which was 0.926; and
- (m) no adverse comments have been received from relevant Government

departments and there was no evidence on any possible impacts on the infrastructure of the area.

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

8. Mr. Chapman Lam made the following main points:

- (a) the application sought approval for redevelopment of the existing house to a new house with two car parking spaces. The traffic generated from the redevelopment would not be more than that of the existing house. It should also be noted that South Lantau was subject to a special road permit system to control traffic volume; and
- (b) according to the information tabled at the meeting, there was ample capacity on South Lantau Road. It was anticipated that the proposed redevelopment would not generate adverse traffic impact on the existing road network.

9. In response to a query from the Chairperson, Ms. Margaret Lam indicated that the area around the application site was mainly zoned “GB” with pockets of “R(C)” sites nearby, and the “R(C)” zone on the South Lantau Coast OZP was restricted to a PR of 0.4, a SC of 25% and a building height of 2 storeys (7.6m). The Secretary supplemented that there was 57.01ha. of land zoned “R(C)” on the OZP.

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

Deliberation Session

11. The Chairperson said that the proposed PR of 0.6664 and SC of 33.33% had

exceeded the development restrictions generally applicable to the “R(C)” zone on the OZP, which was restricted to a PR of 0.4 and a SC of 25% in South Lantau and the approval of the current application would have a wide implication.

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

12. In response to a query from the Chairperson, Mr. Y.M. Lee said that South Lantau Road was a single 2-lane carriageway with limited capacity. It was connected to Tung Chung Road which was being widened. Currently, about 3,000 Lantau Closed Road Permits were given out to the residents of South Lantau, but only those with needs (about 1,000 persons) were given Tung Chung Road Prohibited Zone Permits. A proposal was being considered to relax the traffic restrictions in South Lantau after Tung Chung Road was widened. In addition, the car ownership rate in South Lantau might increase following the relaxation of the current traffic restrictions. It was expected that the traffic volume in the areas would be more than tripled. Therefore, a cautious approach had to be adopted in evaluating the traffic impacts of the proposed development.

13. In response to a query from a Member, Mr. Y.M. Lee explained that South Lantau was mainly a conservation area, and the long-term transportation policy for South Lantau was mainly to limit vehicles from other areas of Hong Kong from entering South Lantau.

14. A Member commented that the application for residential use could be favourably considered in view of the land status of the site and the minimal traffic impacts generated, but the proposed development intensity should be reduced to tie in with the development intensity permitted for other “R(C)” sites in the area so as to balance the development right of the applicant and the interests of the public.

15. In response to a query from a Member, Mr. C.S. Mills said that the lease restricted the development to one residence only, and no apartment development was allowed. The Member commented that, in view of the restrictions in the lease, the traffic impacts would be minimal.

16. In response to a follow-up query from the same Member, Mr. C.S. Mills said that

there was no readily available information regarding the lease conditions of other residential lots in South Lantau.

17. Members considered that the main considerations for this application should focus on the appropriateness of rezoning the site from “GB” to a residential zone with the proposed PR and SC (“R(C)1”) having regard to its location and site characteristics. The PR and SC restrictions under the OZP would not control the number of residence.

18. A Member considered that favourable consideration could be given to the application in view of the lease conditions which restricted the development of the site to one residence only.

19. Members generally considered that the site could be rezoned for residential purpose, but the development intensity should be adjusted so as to be in line with the existing “R(C)” zone on the South Lantau Coast OZP. The Chairperson remarked that any future applications of a similar nature in South Lantau would have to be considered based on their individual merits.

20. After further deliberation, the Committee decided to partially agree to the application by rezoning the application site from “GB” to “R(C)” with a maximum PR of 0.4, a maximum SC of 25% and a maximum building height of 2 storeys (7.6m).

21. The Committee also agreed that the Chief Executive in Council (CE in C) would be requested to refer the approved South Lantau Coast OZP No. S/SLC/14 to the Town Planning Board for amendment. An amendment to the approved South Lantau Coast OZP No. S/SLC/14 would be submitted to the Committee for agreement prior to gazetting under the provisions of the Town Planning Ordinance upon reference back of the OZP by the CE in C.

[Mr. W.K. Hui, District Planning Officer/Sha Tin, Tai Po and North (DPO/STN) and Ms. Lisa L.S. Cheng, Senior Town Planner/Sha Tin, Tai Po and North (STP/STN), were invited to the meeting at this point.]

Agenda Item 4

Section 12A Application

[Open Meeting (Presentation and Question Sessions only)]

Y/ST/7 Application for Amendment to the Approved Sha Tin Outline Zoning Plan No. S/ST/23 from “Open Space” to “Other Specified Uses (Open Space with Historic Building and Hotel Development)”, Lots 533E, 533FRP, 533G, 533H, 533JRP and 533J1 in DD 184, STTL 310 and Adjoining Government Land, Sha Tin
(RNTPC Paper No. Y/ST/7)

Presentation and Question Sessions

22. The application was submitted by two applicants, one of which was a subsidiary of Sun Hung Kai Properties Ltd. (SHKP). Messrs. Donald Yap and Y.K. Cheng had declared interests in this item as they had current business dealings with SHKP. Mr. Tony Kan declared interests in this item as the Sha Tin District Council had been consulted on the proposed development. Mr. Kan, being a member of the Sha Tin District Council, had commented on the proposal. As the applicants had requested to defer consideration of the application, Mr. Yap, Mr. Cheng and Mr. Kan could be allowed to stay at the meeting.

23. The Committee noted that on 22.7.2008, the applicants requested for deferment of the consideration of the application for 2 months in order to allow time for the applicants to consult the Sha Tin District Council and prepare supplementary information to address the departmental comments.

Deliberation Session

24. After deliberation, the Committee decided to defer a decision on the application as requested by the applicants pending the submission of additional information from the

applicants. 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 applicants. The Committee also agreed to advise the applicants 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 5

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-HLH/15 Filling of Land for Permitted Agriculture Use (Plant Nursery)
in “Green Belt” zone, Lots 338 S.B and 340 S.B(Part) in D.D. 83,
Siu Hang San Tsuen, Hung Lung Hang
(RNTPC Paper No. A/NE-HLH/15)

Presentation and Question Sessions

25. Mr. W.K. Hui, DPO/STN, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the filling of land for permitted agriculture use (plant nursery);
- (c) departmental comments – the Assistant Commissioner for Transport/New Territories, Transport Department (AC for T/NT, TD) was concerned that the development would lead to increased traffic to the area, and the sub-standard van track leading to the site was undesirable for use by medium/heavy goods vehicles. The Chief Town Planner/Urban Design & Landscape, Planning Department (CTP/UD&L, PlanD) objected to the application as there would be adverse landscape impact and there was insufficient information in the submission to justify land filling for the operation of a plant nursery. If the application was approved, it would set an undesirable precedent for future cases of a similar nature and would

further deteriorate the existing landscape quality of the area;

- (d) no public comment was received during the statutory publication period. The District Officer/North consulted the Chairman of Fanling District Rural Committee and village representatives of Siu Hang San Tsuen. The Chairman of Fanling District Rural Committee and the Indigenous Inhabitant Representative of Siu Hang San Tsuen strongly objected to the application on grounds of environmental nuisance and traffic impact. They also worried that the development might be converted into a container park; and
- (e) the PlanD's views – PlanD did not support the application based on the assessments given in paragraph 12 of the Paper. The land filling activity without prior approval on the application site which was zoned “Green Belt” was unacceptable. In addition, there was insufficient information to justify the need for the proposed land filling as the potted plants could be accommodated in the existing ground. The approval of the application site falling within “GB” zone would set an undesirable precedent for future cases of a similar nature. There were also strong local objections against the application.

26. Members had no question on the application.

Deliberation Session

27. Members generally agreed that the application should be rejected. The Chairperson suggested to include the point that there was insufficient information in the submission to justify the need for land filling for the operation of the plant nursery as another reason for rejection, in addition to that suggested by PlanD in paragraph 13.1 of the Paper. Members agreed.

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

- (a) there was insufficient information in the submission to justify the need for land filling for the operation of the plant nursery; and
- (b) the granting of approval to the illegal land filling operation would set an undesirable precedent for other similar applications within the “Green Belt” zone. The cumulative impacts of approving such similar applications would result in a deterioration of the existing landscape quality and a general degradation to the environment of the area.

Agenda Item 6

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-KLH/369 Proposed Public Utility Installation (Sewage Pumping Station)
in “Green Belt” zone, Government Land in DD 9,
Nam Wa Po, Kau Lung Hang, Tai Po
(RNTPC Paper No. A/NE-KLH/369)

Presentation and Question Sessions

29. Ms. Lissa Cheng, STP/STN, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed public utility installation (sewage pumping station);
- (c) departmental comments – no objection from concerned Government departments was received;
- (d) no public comment was received during the statutory publication period and no local objection/view was received by the District Officer/Tai Po; and

- (e) the PlanD's views – PlanD had no objection to the application based on the assessments given in paragraph 11 of the Paper. The proposed sewage pumping station, being part of the North District Sewerage Scheme, was essential for collecting and conveying the sewage generated from the villages to the Shek Wu Hui Sewerage Treatment Works for proper treatment and disposal. Upon completion of the sewerage scheme, the water pollution problem in the unsewered areas in Kau Lung Hang could be alleviated. The proposed pumping station, which was about 4.5m high, was considered compatible with the surrounding low-rise village structures. No adverse departmental comments and no local objections were received.

30. Members had no question on the application.

Deliberation Session

31. 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 1.8.2012, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

- (a) the submission and implementation of landscape proposal to the satisfaction of the Director of Planning or of the TPB;
- (b) the provision of 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 protective measures to ensure no pollution or siltation would occur to the water gathering grounds to the satisfaction of the Director of Water Supplies or of the TPB.

32. The Committee also agreed to advise the applicant :

- (a) to note the Director of Environmental Protection's other technical

comments in Appendix III of the Paper;

- (b) to note the the Chief Engineer/Development (2), Water Supplies Department's conditions in Appendix IV of the Paper;
- (c) to plant native shrubs within the site;
- (d) to note the Chief Town Planner/Urban Design and Landscape, Planning Department's specific comments in paragraph 9.1.5(e) of the Paper; and
- (e) the emergency vehicular access shall comply with Part VI of the Code of Practice for MoA for Firefighting and Rescue administrated by the Buildings Department.

Agenda Item 7

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-KLH/372 Proposed House (New Territories Exempted House - Small House)
in “Agriculture” and “Village Type Development” zones,
Lot 344 S.A ss.1 in D.D. 9, Kau Lung Hang, Tai Po
(RNTPC Paper No. A/NE-KLH/372)

Presentation and Question Sessions

33. Ms. Lisa Cheng, 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 - Small House);
- (c) departmental comments – the Director of Agriculture, Fisheries and Conservation (DAFC) had no strong view against the application as the site

was a piece of bare land with low potential for rehabilitation to agricultural use. The Chief Engineer/Project Management, Drainage Services Department (CE/PM, DSD) confirmed that public sewerage connection point would be provided in the vicinity of the subject site;

- (d) no public comment was received during the statutory publication period and no local objection/view was received by the District Officer/Tai Po; and
- (e) the PlanD's views – PlanD had no objection to the application based on the assessments given in paragraph 11 of the Paper. The proposed NTEH/Small House development complied with the assessment criteria for NTEH/Small House development in that the application site was entirely within the village ‘environs’ (‘VE’) of Yuen Leng Village, there was a general shortage of land in meeting the demand for Small House development in the “Village Type Development” (“V”) zone of Yuen Leng, Kau Lung Hang San Wai and Kau Lung Hang Lo Wai Villages, and the proposed Small House was able to be connected to the planned sewerage system in the area.

34. Members had no question on the application.

Deliberation Session

35. 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 1.8.2012, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

- (a) the submission and implementation of landscape proposal to the satisfaction of the Director of Planning or of the TPB;
- (b) the provision of fire fighting access, water supplies and fire service

installations to the satisfaction of the Director of Fire Services or of the TPB;

- (c) the submission and implementation of drainage facilities to the satisfaction of the Director of Drainage Services or of the TPB;
- (d) the connection of the foul water drainage system to the public sewers to the satisfaction of the Director of Water Supplies or of the TPB; and
- (e) the provision of protective measures to ensure no pollution or siltation would occur to the water gathering grounds to the satisfaction of the Director of Water Supplies or of the TPB.

36. The Committee also agreed to advise the applicant :

- (a) the actual construction of the proposed Small Houses should only begin after the completion of the public sewerage network;
- (b) adequate space should be provided for the proposed Small Houses to be connected to the public sewerage network;
- (c) to note the Drainage Services Department's comments in paragraph 3 of Appendix IV of the Paper;
- (d) to adopt good site practice and implement precautionary/preventive measures to avoid and minimize impact on the watercourse in the vicinity of the site during construction works;
- (e) that he might need to extend the inside services to the nearest Government water mains for connection. The applicant shall resolve any land matter (such as private lots) associated with the provision of water supply and shall be responsible for the construction, operation and maintenance of the inside services within the private lots to Water Supplies Department's standards; and

- (f) to note that the permission was only given to the development under application. If provision of an access road was required for the proposed development, the applicant should ensure that such access road (including any necessary filling/excavation of land) would comply with the provisions of the relevant statutory plan and obtain planning permission from the TPB where required before carrying out the road works.

Agenda Item 8

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-KTN/128 Temporary Container Vehicle Park with Ancillary Office
for a Period of 3 Years in “Comprehensive Development Area” zone,
Lot 1941 RP (Part) in D.D. 95 and adjoining Government Land,
Kwu Tung North, Sheung Shui
(RNTPC Paper No. A/NE-KTN/128)

Presentation and Question Sessions

37. Mr. W.K. Hui, DPO/STN, presented the application and covered the following aspects as detailed in the Paper :

[Mr. Timothy Ma left the meeting temporarily at this point.]

- (a) background to the application;
- (b) the temporary container vehicle park with ancillary office for a period of 3 years;
- (c) departmental comments – the Director of Environmental Protection (DEP) did not support the application as there were domestic structures in the vicinity of the application site;

- (d) no public comment was received during the statutory publication period. The District Officer/North had consulted the Chairman of Sheung Shui District Rural Committee and the resident representatives of Kwu Tung (North), who had raised objections to the application on grounds of adverse traffic impact, noise and environmental nuisance to the area; and
- (e) the PlanD's views – PlanD had no objection to the application based on the assessments given in paragraph 12 of the Paper. The application site fell within Category 2 areas under the TPB PG-No. 13D. The development under application was generally in line with the TPB PG-No. 13D in that most Government departments consulted except DEP had no adverse comments on the application. Under the previous planning approval (No. A/NE-KTN/71), all the approval conditions had been complied with. The development under application was not expected to cause significant impacts to the surrounding land uses which comprised mainly vegetated land, fallow agricultural land and some domestic structures on the other side of a knoll. To address DEP's and local concerns on traffic and environmental grounds, approval conditions on restrictions of operation hours had been recommended.

38. Members had no question on the application.

Deliberation Session

39. Members generally agreed that the application could be approved. The Chairperson remarked that the study on the Kwu Tung North New Development Area, which covered the application site, would commence in the near future. The approval of the container vehicle park on a temporary basis for a period three years would unlikely affect the long-term development of the area.

40. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 1.8.2011, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no operation between 11:00 p.m. and 7:00 a.m. was allowed on the application site during the planning approval period;
- (b) no operation on Sundays and public holidays was allowed on the application site during the planning approval period;
- (c) to maintain the existing drainage facilities properly and rectify those facilities if they were found inadequate/ineffective during the planning approval period;
- (d) the submission of a conditional survey with photographic records of the existing drainage facilities on site as previously implemented on the same site for the previously approved application No. A/NE-KTN/71 within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 1.2.2009;
- (e) the submission of fire service installations proposals within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 1.2.2009;
- (f) in relation to (e) 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 1.5.2009;
- (g) the submission of a landscaping proposal with proper symbols indicating the existing trees and proposed trees within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 1.2.2009;
- (h) in relation to (g) above, the implementation of the landscaping proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 1.5.2009;
- (i) if any of the above planning conditions (a), (b) or (c) was not complied

with during the approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice; and

- (j) if any of the above planning conditions (d), (e), (f), (g) or (h) was not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice.

41. The Committee also agreed to advise the applicant :

- (a) that prior planning permission should have been obtained before commencing the development on site;
- (b) to resolve any land issue relating to the development with the concerned owner(s) of the application site;
- (c) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department that:
 - (i) any unauthorized building works carried out on the site were subject to enforcement action under section 24 of the Buildings Ordinance (BO);
 - (ii) formal submission by an authorized person for the proposed development was required under the BO and if the site did not abut on a street of not less than 4.5 m wide, the development intensity of the site should be determined under the Building (Planning) Regulation (B(P)R)19(3) at the building plan submission stage;
 - (iii) the granting of planning permission should not be construed as condoning any unauthorized structures existing on the site under the BO and the allied regulations. Actions appropriate under the BO or other enactment might be taken if contravention was found; and
 - (iv) use of containers as offices was considered as temporary buildings

and was subject to control under the Building (Planning) Regulations Part VII;

- (d) to note the Chief Engineer/Development(2), Water Supplies Department's (WSD) comments that for provision of water supply to the development under application, the applicant might need to extend his inside services to the nearest suitable Government water mains for connection. The applicant should resolve any land matter (such as private lots) associated with the provision of water supply, and should be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD's standards; and
- (e) to follow the environmental mitigation measures as recommended in the latest 'Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites' in order to minimize the potential environmental impacts on the adjacent area.

Agenda Items 9 and 10

Section 16 Applications

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-KTS/262 Proposed House (New Territories Exempted House - Small House)
in "Agriculture" zone, Lot 1391S.A ss. 1 in D.D. 100, Chan Uk Po,
Tsiu Keng, Sheung Shui
(RNTPC Paper No. A/NE-KTS/262)

A/NE-KTS/263 Proposed House (New Territories Exempted House - Small House)
in "Agriculture" zone, Lot 1391 S.A RP in D.D. 100, Chan Uk Po,
Tsiu Keng, Sheung Shui
(RNTPC Paper No. A/NE-KTS/263)

Presentation and Question Sessions

42. Noting that the two applications were similar in nature and the application sites

were close to each other and within the same zone, Members agreed that the applications could be considered together.

43. Mr. W.K. Hui, DPO/STN, presented the applications and covered the following aspects as detailed in the Paper :

- (a) background to the applications;
- (b) the proposed houses (New Territories Exempted Houses - Small Houses);
- (c) departmental comments – The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the applications as he considered that the application sites had a high potential for agricultural rehabilitation. The Assistant Commissioner for Transport/New Territories, Transport Department (AC for T/NT, TD) had reservation on the applications as the NTEH developments should be confined within the “V” zone as far as possible;
- (d) no public comment was received during the statutory publication period and no local objection/view was received by the District Officer/North; and

[Mr. Timothy Ma returned to join the meeting at this point.]

- (e) the PlanD’s views – PlanD had no objection to the applications based on the assessments given in paragraph 12 of the Paper. The proposed Small Houses complied with the Interim Criteria for assessing planning applications for NTEH/Small House development in that the footprints of the proposed Small Houses fell entirely within the ‘VE’ of Tsui Keng, Chan Uk Po, and there was a general shortage of land in meeting the demand for Small House development in the “V” zone of the same village. Although DAFC considered that the application sites had a high potential for agricultural rehabilitation, it should be noted that the application sites were to the immediate east of the “V” zone of Chan Uk Po and the proposed Small Houses were considered compatible with the adjacent

village setting and surrounding environment of a rural character.

44. Members had no question on the applications.

Deliberation Session

45. 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 1.8.2012, and after the said date, each permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission of Application No. A/NE-KTS/262 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.

46. The permission of Application No. A/NE-KTS/263 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 tree preservation and landscaping

proposals to the satisfaction of the Director of Planning or of the TPB.

47. The Committee also agreed to advise the applicants of both applications :

- (a) to note the Chief Engineer/Development(2), Water Supplies Department's comments that:
 - (i) existing water mains on the site would be affected. The applicants should allow the Water Authority and his officers and contractors, his or their workmen to have free access at all times to the said area with necessary plant and vehicles for the purpose of laying, repairing and maintenance of water mains and all other services across, through or under it which the Water Authority might require or authorize. If not, the developer should bear the cost of any necessary diversion works affected by the proposed development;
 - (ii) the application sites were within flood pumping gathering grounds associated with River Indus and River Ganges pumping stations; and
- (b) to note that the permissions were only given to the developments under application. If provision of an access road was required for the proposed developments, the applicants should ensure that such access road (including any necessary filling/excavation of land) would comply with the provisions of the relevant statutory plan and obtain planning permission from the TPB where required before carrying out the road works.

Agenda Items 11 and 12

Section 16 Applications

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-LT/385 Proposed House (New Territories Exempted House - Small House)
in “Agriculture” and an area shown as ‘Road’,
Government Land in D.D. 19, Chung Uk Tsuen, Lam Tsuen, Tai Po
(RNTPC Paper No. A/NE-LT/385)

A/NE-LT/386 Proposed House (New Territories Exempted House - Small House)
in “Agriculture” and an area shown as ‘Road’,
Government Land in D.D. 19, Chung Uk Tsuen, Lam Tsuen, Tai Po
(RNTPC Paper No. A/NE-LT/386)

Presentation and Question Sessions

48. Noting that the two applications were similar in nature and the application sites were close to each other and within the same zone, Members agreed that the applications could be considered together.

49. Ms. Lisa Cheng, STP/STN, presented the applications and covered the following aspects as detailed in the Paper :

- (a) background to the applications – for Application No. A/NE-LT/385, about 99% of the site fell within an area shown as ‘Road’ and about 1% fell within the “Agriculture” zone. For Application No. A/NE-LT/386, about 11% fell within an area shown as ‘Road’ and about 89% fell within “AGR” zone;
- (b) the proposed houses (New Territories Exempted Houses - Small Houses);
- (c) departmental comments (Application No. A/NE-LT/385) – the Assistant Commissioner for Transport/New Territories, Transport Department (AC for T/NT, TD) had reservation on the application, which fell mostly within an area shown as ‘Road’. The Chief Engineer/Project Management,

Drainage Services Department (CE/PM, DSD) considered that the site was located in a low-lying area of about 4m lower than the planned sewerage system and therefore the provision of sewerage connection to the proposed Small House would not be technically favourable. The Director of Environmental Protection (DEP) did not support the application as the site was located within the Water Gathering Grounds (WGGs) and fell outside “V” zone. Neither the existing nor the planned sewers would be available to the site and therefore the discharge from the proposed Small House would have the potential to cause water pollution to the WGGs;

- (d) departmental comments (Application No. A/NE-LT/386) – the AC for T/NT, TD had reservation on the application, which fell partly within an area shown as ‘Road’. The CE/PM, DSD advised that as the site was located at a level lower than Lam Tsuen Road by at least 0.5m, the house platform could be raised to enable the sewer of the small house to connect to the planned sewerage system;
- (e) for both applications, no public comment was received during the statutory publication period and no local objection/view was received by the District Officer/Tai Po; and
- (f) the PlanD’s views (Application No. A/NE-LT/385) – PlanD did not support the application based on the assessments given in paragraph 11 of the Paper. The proposed development did not comply with the interim criteria for assessing planning application for NTEH/Small House development (the interim criteria) in that the proposed development could not be connected to the planned sewerage system in the area although the application site fell entirely within the village ‘environs’ (‘VE’) of Chung Uk Tsuen. There was insufficient information in the submission to demonstrate that the proposed development located within the WGGs would not cause adverse impact on the water quality in the area. The application site fell within an area shown as ‘Road’, which might affect the future widening of Lam Kam Road;

(g) the PlanD's views (Application No. A/NE-LT/386) – PlanD had no objection to the application based on the assessment given in paragraph 11 of the Paper. The proposed NTEH/Small House development complied with the interim criteria in that the application site was entirely within the 'VE' of Chung Uk Tsuen and the proposed Small House was able to be connected to the planned sewerage system in the area. There was a general shortage of land in meeting the demand for Small House development in the "V" zone of Fong Ma Po, San Uk Tsai, Tong Min (Tong Sheung) Tsuen and Chung Uk Tsuen. To address AC for T/NT, TD's concerns on the encroachment of the application site onto the area shown as 'Road' on the OZP, an approval condition was recommended requiring the applicant to set back the proposed Small House to avoid such encroachment.

50. In response to a query from the Chairperson, Mr. Y.M. Lee said that there was currently no plan to widen the relevant section of Lam Kam Road, but the road reserve as shown on the OZP would need to be maintained for future road widening works.

Deliberation Session

51. Members generally agreed that Application No. A/NE-LT/385 should be rejected as it did not comply with the interim criteria, while Application No. A/NE-LT/386 should be approved as the proposed NTEH/Small House development was in line with the interim criteria. A Member commented that the applicant of Application No. A/NE-LT/385 should be advised to note that an application could be submitted again should the road alignment be changed in future. The Chairperson said that the applicant should be aware of the situation as relevant information on road widening was contained in RNTPC Paper No. A/NE-LT/385, which had been sent to the applicant.

52. After further deliberation, the Committee decided to reject the application No. A/NE-LT/385 and the reasons were :

(a) the proposed development did not comply with the interim criteria for assessing planning application for NTEH/Small House development as the

proposed development could not be connected to the planned sewerage system in the area. There was insufficient information in the submission to demonstrate that the proposed development located within the WGGs would not cause adverse impact on the water quality in the area; and

- (b) the application site fell within an area shown as 'Road', which might affect the future widening of Lam Kam Road.

53. After further deliberation, the Committee decided to approve the application No. A/NE-LT/386, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 1.8.2012, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

- (a) the setting back of the proposed Small House from an area shown as 'Road' on the OZP to the satisfaction of the Director of Planning or of the Town Planning Board;
- (b) the submission and implementation of landscape proposal to the satisfaction of the Director of Planning or of the Town Planning Board;
- (c) the submission and implementation of drainage facilities to the satisfaction of the Director of Drainage Services or of the Town Planning Board;
- (d) the connection of the foul water drainage system to the public sewers to the satisfaction of the Director of Water Supplies or of the Town Planning Board; and
- (e) the provision of protective measures to ensure no pollution or siltation would occur to the water gathering grounds to the satisfaction of the Director of Water Supplies or of the Town Planning Board.

54. The Committee also agreed to advise the applicant :

- (a) that the actual construction of the proposed Small House should only begin after the completion of the public sewerage network;
- (b) that adequate space should be provided for the proposed Small House to be connected to the public sewerage network;
- (c) that the public sewers would be laid in some distance away from the proposed development under the “Lam Tsuen Valley Sewerage” project scheme. The applicant could raise his house platform and extend his sewer, at his own cost, to the nearest connection point of the planned sewerage system;
- (d) to note the DSD’s other comments in para. 4 of Appendix IV of the Paper;
- (e) to note that as there was low voltage underground cable 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 (Cap. 406H) when carrying out any works in the vicinity of the electricity supply lines; and
- (f) to note that the permission was only given to the development under application. If provision of an access road was required for the proposed development, the applicant should ensure that such access road (including any necessary filling/excavation of land) would comply with the provisions of the relevant statutory plan and obtain planning permission from the Town Planning Board where required before carrying out the road works.

Agenda Item 13

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-LYT/379 Proposed 5 Houses (New Territories Exempted Houses - Small Houses) in “Agriculture” zone, Lots 1666 S.B ss.1, 1666 S.B ss.2, 1764 S.A, 1764 S.B, 1764 S.C, and 1767 S.A in D.D. 76, Leng Pei Tsuen, Fanling

(RNTPC Paper No. A/NE-LYT/379)

Presentation and Question Sessions

55. Mr. W.K. Hui, DPO/STN, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed five houses (New Territories Exempted Houses (NTEHs) - Small Houses);
- (c) departmental comments – the Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application as the agricultural activities in the vicinity were active and the potential for agricultural rehabilitation was high. The Assistant Commissioner for Transport/New Territories, Transport Department (AC for T/NT, TD) had reservation on the application as the NTEH development should be confined within the “Village Type Development” (“V”) zone as far as possible where the necessary traffic and transport facilities had been planned and provided. The Chief Town Planner/Urban Design & Landscape, Planning Department (CTP/UD&L, PlanD) considered that the proposed development was piecemeal and haphazard, undermining the intactness of the agricultural zone and its rural landscape character;
- (d) during the statutory publication period, a public comment from a North District Council member was received. He objected to the application on

grounds of ecological impact to Tan Shan River, sufficient land available for Small House development and objection from local villagers concerning the impacts on traffic and their livelihood. The District Officer/North had consulted the Chairman of the Fanling District Rural Committee, the Resident Representative and Indigenous Inhabitants Representative of Leng Pei Tsuen. They all supported the application as there was not enough land available to meet Small House demand within the “V” zone; and

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

- (e) the PlanD’s views – PlanD had no objection to the application based on the assessments given in paragraph 11 of the Paper. The proposed Small House developments complied with the interim criteria for assessing planning application for NTEH/Small House development in that not less than 50% of the proposed NTEH/Small House footprints fell within the village ‘environs’ of a recognized village and there was a general shortage of land in meeting the demand for Small House development in the “V” zone of the village. A total of 9 similar applications for NTEHs were previously approved in the vicinity of the application site. Regarding the concern on impacts to the Tan Shan River, it should be noted that the downstream section of Tan Shan River nearest to the application site was 120m away, and DAFC had no strong view against the application from a nature conservation point of view.

56. Members had no question on the application.

Deliberation Session

57. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 1.8.2012, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

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

58. The Committee also agreed to advise the applicant :

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

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

Agenda Item 14

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TK/252 Proposed Two Houses (New Territories Exempted Houses – Small Houses) in “Green Belt” zone, Lot 255A1, 255A2, 255G, 255H and 255I in DD 26, Wong Yue Tan, Tai Po
(RNTPC Paper No. A/NE-TK/252)

Presentation and Question Sessions

59. The Committee noted that on 16.7.2008 and 23.7.2008, the applicant requested for deferment of the consideration of the application for 2 months as additional time was required to address the landscape comments from the relevant Government departments. Due to bad weather, the survey work to delineate the site boundary on the site had been delayed.

Deliberation Session

60. 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 further information, and no further deferment would be granted unless under very special circumstances.

Agenda Item 15

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/ST/669 Proposed Shop and Services (Food Delivery Store)
 in “Industrial” zone, Shop B2E, G/F, Unison Industrial Centre,
 27-31 Au Pui Wan Street, Fo Tan, Sha Tin
 (RNTPC Paper No. A/ST/669)

Presentation and Question Sessions

61. Mr. W.K. Hui, DPO/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 (food delivery store);
- (c) departmental comments – the Assistant Commissioner for Transport/New Territories, Transport Department (AC for T/NT, TD) had no objection in-principle to the application but advised that vehicles to be used for delivery services should be parked properly to nearby car parking spaces or the applicant should provide adequate suitable parking spaces;
- (d) during the statutory publication period, one public comment from the Incorporated Owners of Unison Industrial Centre who agreed to the application was received; and
- (e) the PlanD’s views – PlanD had no objection to the application based on the assessments given in paragraph 11 of the Paper. The proposed development could provide convenient service to cater for the needs of the workers in the vicinity. In order not to jeopardize the long term planning intention of industrial use for the subject premises, it was suggested that the application could be approved on a temporary basis for a period of three years.

62. Members had no question on the application.

Deliberation Session

63. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 1.8.2011, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) the submission of the fire safety measures within 6 months from the date of approval to the satisfaction of the Director of Fire Services or of the TPB by 1.2.2009;
- (b) the implementation of the fire safety measures within 9 months from the date of approval to the satisfaction of the Director of Fire Services or of the TPB by 1.5.2009; and
- (c) if the above planning conditions (a) or (b) was not complied with by the specified date, the approval hereby given shall cease to have effect and should on the same date be revoked without further notice.

64. The Committee also agreed to advise the applicant :

- (a) that a temporary approval of 3 years was given in order to allow the Committee to monitor the compliance of the approval conditions and the supply and demand of industrial floor space in the area to ensure that the long term planning intention of industrial use for the subject premises would not be jeopardized;
- (b) that apply to the District Lands Officer/Sha 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 the partition walls between the proposed

shop and the remaining part of the workshop and the need to remove all existing unauthorized building works in the premises, if any;

- (d) to note the comments of the Assistant Commissioner for Transport/New Territories, Transport Department on the parking of vehicles for delivery services;
- (e) to note the comments of the Director of Fire Services that the proposed fast food shop (food delivery store) should only be licensed as ‘food factory’ and the need to comply with the fire resisting construction requirements as stipulated in the Code of Practice for Fire Resisting Construction for compliance; and
- (f) 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.

Agenda Item 16

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

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

Presentation and Question Sessions

65. The Committee noted that on 17.7.2008, the applicant requested for deferment of the consideration of the application for 1 month from 20.7.2008 in order to allow time to prepare further information to address the departmental comments.

Deliberation Session

66. 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 that the Committee had allowed 1 month from 20.7.2008 for the preparation of submission of further information, and no further deferment would be granted unless under very special circumstances.

[The Chairperson thanked Mr. W.K. Hui, DPO/STN and Ms. Lisa L.S. Cheng, STP/STN, for their attendance to answer Members' enquires. Mr. Hui and Ms. Cheng left the meeting at this point.]

Tuen Mun and Yuen Long District

[Mr. W.M. Lam, Ms. S.H. Lam and Miss Paulina Y.L. Kwan, Senior Town Planners/Tuen Mun and Yuen Long (STPs/TMYL), and Mr. Alex Kiu, Town Planner/Tuen Mun and Yuen Long (TP/TMYL), were invited to the meeting at this point.]

Agenda Item 17

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-PN/18 Temporary Fishing Ground for a Period of 3 Years
 in "Coastal Protection Area" zone, Lots 74, 75, 76 and 77 in D.D. 135,
 Pak Nai, Yuen Long
 (RNTPC Paper No. A/YL-PN/18)

Presentation and Question Sessions

67. 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 fishing ground for a period of 3 years;
- (c) departmental comments – the Director of Agriculture, Fisheries and Conservation (DAFC) had no objection to the application, but commented that appropriate measures should be taken to prevent any disturbance and environmental hygiene problems that might affect the fish culture activities nearby;
- (d) no public comment was received during the statutory publication period and no local objection/view was received by the District Officer/Yuen Long; and
- (e) the PlanD's views – PlanD considered that the temporary fishing ground could be tolerated for a period of 3 years based on the assessments given in paragraph 11 of the Paper. The application mainly involved a change of use of three existing fish ponds to recreational fishing ground and no pond filling was envisaged. No major building works had been proposed within the site. Relevant Government departments had no objection to the application.

68. Members had no question on the application.

Deliberation Session

69. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 1.8.2011, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no night-time operation between 9:00 p.m. and 7:00 a.m. was allowed on the site during the planning approval period;
- (b) 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 1.2.2009;
- (c) in relation to (b) above, the implementation of the 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 1.5.2009;
- (d) the submission of a drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 1.2.2009;
- (e) in relation to (d) above, the provision of drainage facilities proposed within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 1.5.2009;
- (f) the submission of fire service installations proposals within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 1.2.2009;
- (g) in relation to (f) above, the provision of fire service installations proposed within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 1.5.2009;
- (h) if the above planning condition (a) was not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice; and
- (i) if any of the above planning conditions (b), (c), (d), (e), (f) or (g) was not complied with by the specified date, the approval hereby given shall cease

to have effect and shall on the same date be revoked without further notice.

70. The Committee also agreed to advise the applicant :

- (a) that prior planning permission should have been obtained before commencing the applied use at the application site;
- (b) that resolve any land issues relating to the development with the concerned owner(s) of the application site;
- (c) that the site should be kept in a clean, tidy and hygienic condition at all times;
- (d) to note the District Lands Officer/Yuen Long, Lands Department's comments to apply for Short Term Waiver and Short Term Tenancy to regularise the irregularities on the site;
- (e) to note the Fire Services Department's comments that the building plans should be drawn to scale and depicted with dimensions, the usage of each of the proposed structures should be clearly stated on the plans, and the location of the proposed fire service installations should be marked clearly;
- (f) to note the Chief Building Surveyor/New Territories West, Buildings Department's comments on the removal of unauthorized structures within the site which were liable to action under section 24 of the Buildings Ordinance (BO). The granting of this planning approval should not be construed as condoning to any unauthorized 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;
- (g) 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 Environmental Protection Department to minimise any possible environmental nuisances; and

- (h) to note the Director of Agriculture, Fisheries and Conservation’s comment that appropriate measures should be taken to prevent any disturbance and environmental hygiene problems that might affect the fish culture activities nearby due to the increased number of visitors.

Agenda Item 18

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/TM-LTYY/169 Proposed House (New Territories Exempted House - Small House) and Minor Relaxation of plot ratio restriction to 1.28 and building height restriction to 3 storeys (8.23m) in “Residential (Group D)” and “Village Type Development” zones, Lot No. 1180s.Bss.5C in DD 130, Tsoi Yuen Tsuen, Lam Tei, Tuen Mun
(RNTPC Paper No. A/TM-LTYY/169)

Presentation and Question Sessions

71. Ms. S.H. Lam, STP/TMYL, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed house (New Territories Exempted House (NTEH) - Small House) and minor relaxation of plot ratio restriction to 1.28 and building height restriction to 3 storeys (8.23m);
- (c) departmental comments – no objection from concerned Government departments was received. Ms. Lam reported that the District Lands Officer/Tuen Mun (DLO/TM) had clarified that the 10-year Small House (SH) demand figures in paragraphs 10 and 12.2 of the Paper were for Nai

Wai only. As the subject "Village Type Development" ("V") zone covered Nai Wai and Sun Fung Wai, the SH demand should also cover Sun Fung Wai. In this regard, the outstanding SH applications for the two villages should be 84 and the 10-year SH demand should be 450-550;

- (d) during the statutory publication period, three public comments supporting the application from the Tuen Mun Rural Committee, the Tuen Mun Northeast Area Committee and an individual were received; and
- (e) the PlanD's views – PlanD did not support the application based on the assessments given in paragraph 12 of the Paper. The proposed SH development did not meet the interim criteria for assessing planning applications for NTEH/SHP development in that the site fell outside the village 'environs' ('VE') of any recognised villages and only about 19.2% of the footprint of the proposed SH fell within the boundary of the "V" zone. As advised by DLO/TM, the total approved SH applications for the two villages for the past 3 years were 43 and there was still 7.3ha of land (about 290 SH sites) available in the "V" zone. It was envisaged that the supply of land would be adequate to meet the short to medium term demand of SH development. The development intensity of the proposed development was considered excessive in the "Residential (Group D)" ("R(D)") zone. No similar application was previously approved in the same "R(D)" zone. The approval of the application would set an undesirable precedent for similar applications within the "R(D)" zone, the cumulative effect of which would have adverse impacts on the environment, drainage, and infrastructure provisions of the area.

72. Members had no question on the application.

Deliberation Session

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

- (a) the proposed development did not comply with the interim criteria for assessing planning application for New Territories Exempted House/Small House development in that the site did not fall within village ‘environs’ of any recognised villages and more than 50% of the footprint of the proposed Small House fell outside the “Village Type Development” (“V”) zone. There was no strong justification in the submission to merit favourable consideration;
- (b) the intensity of the proposed development was considered excessive in the “Residential (Group D)” (“R(D)”) zone; and
- (c) no similar application was previously approved in the same “R(D)” zone. The approval of the application would set an undesirable precedent for similar applications within the “R(D)” zone. The cumulative effect of approving such application would have adverse impacts on the environment, drainage, and infrastructure provisions of the area.

[Mr. Timothy Ma left the meeting at this point.]

Agenda Item 19

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/TM-LTYY/171 Temporary Public Vehicle Park (Private Cars, Light/Medium/Heavy Goods Vehicles and Coaches) For a Period of 3 Years in “Village Type Development” zone, Lots 525SB, 525RP, 526RP (Part), 528 (Part), 529SB (Part), 529 RP (Part) and 530 RP (Part) in D.D. 130 and Adjoining Government Land, Lam Tei, Tuen Mun
(RNTPC Paper No. A/TM-LTYY/171)

Presentation and Question Sessions

74. Ms. S.H. 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 (private cars, light/medium/heavy goods vehicles and coaches) for a period of 3 years;
- (c) departmental comments – the Director of Environmental Protection (DEP) did not support the application as there were sensitive uses in the vicinity of the site and environmental nuisances were expected;

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

- (d) two public comments were received during the statutory publication period. One commenter expressed concern on the traffic safety of ingress/egress point of the site. The other public comment was from the Tuen Mun Rural Committee who had no objection to the application but considered that the ingress/egress point at the site should meet TD's safety requirements; and
- (e) the PlanD's views – PlanD did not support the application based on the assessments given in paragraph 11 of the Paper. The development was not in line with the planning intention of "V" zone for development of Small Houses by indigenous villagers. There was no strong justification in the submission for a departure from such planning intention, even on temporary basis. District Lands Officer/Tuen Mun had also advised that Small House applications on two lots within the application site were being processed. The development was not compatible with the residential dwellings in the surrounding areas. There was insufficient information in the submission to demonstrate that the development would not generate adverse environmental, traffic and drainage impacts on the surrounding areas. No similar application for the applied use had been approved in the same and nearby "V" zone.

75. Members had no question on the application.

Deliberation Session

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 “Village Type Development” (“V”) zone. There was no strong justification in the submission for a departure from such planning intention, even on temporary basis;
- (b) the development was not compatible with the residential dwellings in the surrounding areas;
- (c) there was insufficient information in the submission to demonstrate that the development would not generate adverse environmental, traffic and drainage impacts on the surrounding areas; and
- (d) no similar application for the applied use had been approved in the same and nearby “V” zone. The approval of the application, even on a temporary basis, would set an undesirable precedent for similar applications within the “V” zone. The cumulative effect of approving such similar applications would result in a general degradation of the environment of the area.

Agenda Item 20

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-HT/561 Container Vehicle Park, Container Vehicle Repair Yard, Container Storage Yard and Container Repair Yard in “Open Storage” zone, Lots 1333, 1334 (Part), 1335 (Part), 1336 (Part) and 1337 (Part) in D.D. 125, Ha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-HT/561)

Presentation and Question Sessions

77. The Committee noted that on 17.7.2008, the applicant requested for deferment of the consideration of the application for 2 months in order to allow time for the applicant to address the departmental comments.

Deliberation Session

78. 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 the preparation of the submission of further information, and no further deferment would be granted unless under very special circumstances.

Agenda Item 21

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-HT/562 Temporary Centre for Inspection of New Vehicles with Ancillary Offices and Storerooms for a Period of 3 Years in “Open Storage (Group 1)” zone, Lots 4 (Part), 5 (Part), 6 (Part) and 7 (Part) in D.D. 124, Lot 1498 S.B RP (Part) in D.D. 125, and Adjoining Government Land, Ha Tsuen, Yuen Long

(RNTPC Paper No. A/YL-HT/562)

Presentation and Question Sessions

79. Mr. Alex Kiu, TP/TMYL, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the temporary centre for inspection of new vehicles with ancillary offices and storerooms for a period of 3 years;
- (c) departmental comments – the Director of Environmental Protection (DEP) did not support the application as there were sensitive uses in the vicinity of the site and the access road, and environmental nuisance was expected;
- (d) no public comment was received during the statutory publication period and no local objection/view was received by the District Officer/Yuen Long; and
- (e) the PlanD’s views – PlanD considered that the application could be tolerated for a period of three years based on the assessments given in paragraph 12 of the Paper. The development was in line with the planning intention of “OS(1)” and was not incompatible with the surrounding land uses which comprised a number of logistics centres, vehicle repair workshops and open storage yards. Approval had been given for various

temporary open storage and workshop uses in the vicinity of the site recently. Approval of the subject application was therefore in line with the Committee's previous decisions. To address DEP's concern and mitigate any potential environmental impacts, approval conditions, including no night-time operation and no operation on Sundays and public holidays, were suggested.

80. Members had no question on the application.

Deliberation Session

81. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 1.8.2011, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no night-time operation from 6:00 p.m. to 9:00 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) no vehicle repairing, painting and other workshop activities, as proposed by the applicant, was allowed on the site at any time during the planning approval period;
- (d) the existing trees within the site shall be maintained at all times during the planning approval period;
- (e) the submission of drainage proposals within 6 months from the date of planning approval to the satisfaction of Director of Drainage Services or of the TPB by 1.2.2009;
- (f) in relation to (e), the provision of drainage facilities within 9 months from the date of planning approval to the satisfaction of Director of Drainage

Services or of the TPB by 1.5.2009;

- (g) the submission of fire service installations proposals within 6 months from the date of planning approval to the satisfaction of Director of Fire Services or of the TPB by 1.2.2009;
- (h) in relation to (g), the provision of fire service installations within 9 months from the date of planning approval to the satisfaction of Director of Fire Services or of the TPB by 1.5.2009;
- (i) if any of the above planning conditions (a), (b), (c) or (d) was not complied with during the approval period, the approval hereby given should cease to have effect and shall be revoked immediately without further notice;
- (j) if any of the above planning conditions (e), (f), (g) or (h) 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
- (k) upon expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the TPB.

82. The Committee also agreed to advise the applicant :

- (a) that prior planning permission should be obtained before commencing the development on the site;
- (b) to resolve any land issues relating to the development with the concerned owner(s) of the application site;
- (c) to note the comments of District Lands Officer/Yuen Long (DLO/YL) that the lots under application were Old Schedule Agricultural Lots held under the Block Government Lease under which no structures were allowed to be

erected without prior approval from his Office, and to apply to his office for Short Term Wavier and Short Term Tenancy to regularize the structures on site and the unauthorized occupation of Government land;

- (d) to note the comments of Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) that the details of boundary walls should be submitted to illustrate unobstructed flow of surface runoff from adjacent areas; to construct open channels of adequate sizes on both sides of the wall or construct adequate openings at the foot of the wall to allow the passage of rainwater from adjacent areas; to ensure that the existing channels into which the runoff collected by the site would be discharged was adequate to discharge the additional flow from the site; to consult the District Lands Officer/Yuen Long and obtain consents from relevant land owners with regard to all proposed drainage works outside the subject lot; to construct and maintain all proposed drainage facilities at the applicant's own costs; to properly maintain and rectify all drainage facilities if they were found to be inadequate or ineffective during operation; and to be liable for and should indemnify claims and demands arising out of any damage or nuisance caused by a failure of their drainage facilities;
- (e) 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;
- (f) to note the comments of the Assistant Commissioner for Transport/New Territories, Transport Department that the land status of the access road leading to the site should be checked with the lands authority and that the management and maintenance responsibilities of this road/path/track should be clarified, and the relevant lands and maintenance authorities should be consulted accordingly; and
- (g) to note the comments of the Director of Fire Services that the applicant should submit relevant building plans with the proposed fire service installations incorporated to his Department for approval. In formulating

the fire service installation (FSI) proposal, the applicant was advised to make reference to the requirements as stipulated in paragraph 4.9 “Car Ports”, paragraph 4.14 “Commercial – Low Rise” and paragraph 4.29 “Industrial/godown building – Low Rise” of the current version of the Codes of Practice for Minimum Fire Service Installations and Equipment. In this connection, the following points were advised:

- (i) the building plans should be drawn to scale and depicted with dimension; and
- (ii) the location of the proposed FSI should be clearly marked on the building plans.

Moreover, it was noted that part of the site was proposed to be used as vehicle inspection centre in which storage/use of Dangerous Goods might be involved. As such, Dangerous Goods Division should be approached for advice on licensing of the premises for the above purposes where necessary.

Agenda Item 22

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-MP/168 Temporary Wooden Buffalo Shelter for a Period of 3 Years
in “Site of Special Scientific Interest” zone, Government Land at
Mai Po Nature Reserve, Near Gei Wai 24 B, Mai Po, Yuen Long
(RNTPC Paper No. A/YL-MP/168)

Presentation and Question Sessions

83. The Secretary said that the following Members, being connected with the World Wildlife Fund Hong Kong (WWF) which submitted the application, declared interests in this item :

Prof. David Dudgeon	- being members of the Mai Po Management and Development Committee under the WWF
Dr. James C.W. Lau	- being an ex-member of WWF

84. The Committee noted that Prof. Dudgeon had tendered apology for being unable to attend the meeting. As Dr. Lau was only an ex-member of WWF, his interest was considered indirect. He was allowed to stay in the meeting and participate in the discussion of and deliberation on this item.

85. Mr. Alex Kiu, TP/TMYL, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the temporary wooden buffalo shelter 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. The commenter raised objection to the application mainly on the grounds that the shelter was close to Fairview Park and would cause noise problems to the neighbourhood and would lead to the breeding and spreading of bacteria that would seriously affect the health of the local residents; and
- (e) the PlanD's views – PlanD considered that the proposed development could be tolerated for a period of three years based on the assessments given in paragraph 12 of the Paper. The development complied with the requirements of the Town Planning Board Guidelines TPB PG-No. 12B in that it supported the conservation of the ecological value of the fishponds which formed an integral part of the wetland ecosystem in the Deep Bay Area. Relevant Government departments including the Director of Agriculture, Fisheries and Conservation (DAFC) had no adverse comments

on the application.

86. Members had no question on the application.

Deliberation Session

87. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 1.8.2011, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) the submission of drainage proposals within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 1.2.2009;
- (b) in relation to (a) 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 1.5.2009;
- (c) if any of the above planning conditions (a) or (b) was not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice; and
- (d) upon the expiry of the planning permission, the reinstatement of the application site to its original state to the satisfaction of the Director of Planning or of the TPB.

88. The Committee also agreed to advise the applicant :

- (a) to note the District Lands Officer/Yuen Long, Lands Department's (DLO/YL) comment that the development should comply with the licence granted by DLO/YL on natural reserve use;
- (b) to note the Director of Agriculture, Fisheries and Conservation's comments that the applicant should clarify whether the existing shelter, which was

constructed about three years ago, was still structurally sound or not. The applicant should provide information on the schedule of enlarging the existing wooden shelter and the timing of introducing the buffalo to the Reserve when it was available. Also, the daily management of the water buffalo, the measures to ensure visitor/public safety and the contingency measures in relation to animal husbandry and care for the extra water buffalo should also be submitted for his information;

- (c) to note the Chief Building Surveyor/New Territories West, Buildings Department's advice that the approval of the planning application should not be construed as condoning to any unauthorized building works carried out on the site. They were subject to enforcement action under section 24 of the Buildings Ordinance. Formal submission of any proposed new works, including any temporary structures, for approval under the Buildings Ordinance was required; and
- (d) to note the Director of Food and Environmental Hygiene's comment that the applicant should be responsible for handling at its own cost any wastes generated from the operation of the premises, as improper handling of waste would provide harbourage for pest infestation and cause sanitary nuisance to the residents nearby. The applicant should introduce some preventive and control measures against the breeding of mosquitoes, in particular the elimination of the potential breeding places for mosquitoes with a view that no mosquito nuisance would be caused to the nearby residents.

Agenda Item 23

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-NSW/183 Proposed Temporary Lard Factory for a Period of 3 Years
in “Industrial (Group D)” zone, Government Land near Kam Tin River,
Nam Sang Wai
(RNTPC Paper No. A/YL-NSW/183)

Presentation and Question Sessions

89. Mr. Alex Kiu, TP/TMYL, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed temporary lard factory for a period of 3 years;
- (c) departmental comments – the Director of Environmental Protection (DEP) did not support the application as the effluent discharge from the proposed use would increase the pollution loading in Kam Tin River, subsequently Deep Bay, causing disturbance to the ecological habitat. The proposed use was considered a major air pollution source with potential emission of odour and oil fumes. The Director of Agriculture, Fisheries and Conservation (DAFC) had reservation on the application as the applicant did not provide adequate information as specified in the TPB Guidelines for Application for Developments within Deep Bay Area under Section 16 of the Town Planning Ordinance;
- (d) during the statutory publication period, four public comments were received from a Yuen Long District Council member, joint comments from a village representative of Fung Kat Heung and the Chairman of Four Villages Kai Fong Mutual Aid Association Ltd. and two village representatives of Sha Po Village. They all objected to the application on the aspects of adverse ecological impacts, land contamination, air pollution

and odour problems created by the proposed use. The District Officer/Yuen Long had received four comments, three of which were the same as the public comments received. The remaining comment was from the Kam Tin Rural Committee objected to the application for the similar reasons.

- (e) the PlanD's views – PlanD did not support the applications based on the assessments given in paragraph 12 of the Paper. According to the revised Town Planning Board Guidelines for Application for Developments within Deep Bay Area (TPB PG-No.12B), the site fell within the Wetland Buffer Area. The proposed development did not comply with the Guidelines in that there was no information in the submission to demonstrate that the proposed lard factory would not have negative disturbance impacts on the ecological value of the Wetland Conservation Area and would not cause net increase in pollution load to Deep Bay. The proposed use was also a major air pollution source with potential emission of odour and oil fumes. A total of eight public/local comments had also been received objecting to the application.

90. Members had no question on the application.

Deliberation Session

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

- (a) the proposed development was not in line with the revised Town Planning Board Guidelines No. 12B on Application for Developments within Deep Bay Area in that there was insufficient information in the submission to demonstrate that the proposed development would not have a negative off-site disturbance impact on the ecological value of fish ponds within the Wetland Conservation Area; and
- (b) there was insufficient information in the submission to demonstrate that the

proposed development would not have adverse ecological, environmental, sewage and drainage impacts on the surrounding areas.

Agenda Item 24

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-NTM/222 Proposed Temporary Container Vehicle Park with Ancillary Repairing Workshop for a Period of 5 Years in “Open Storage” zone, Lots 2327, 2328(Part), 2329, 2330, 2344, 2345, 2346, 2347, 2348, 2349, 2844RP, 2845(Part), 2849(Part), 2850, 2851RP, 2854, 2855, 2856, 2857, 2858RP, 2859RP, 2861(Part), 2863(Part), 2864, 2865, 2866(Part), 2870(Part), 2874(Part), 2875(Part), 2893(Part), 2895(Part), 2896(Part), 2897, 2898(Part) and 2899(Part) in DD 102, and Adjoining Government Land, Ngau Tam Mei, Yuen Long
(RNTPC Paper No. A/YL-NTM/222)

Presentation and Question Sessions

92. Mr. Alex Kiu, TP/TMYL, presented the application and covered the following aspects as detailed in the Paper :

(a) background to the application;

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

(b) the proposed temporary container vehicle park with ancillary repairing workshop for a period of 5 years;

(c) departmental comments – the Director of Environmental Protection (DEP) did not support the application as there were sensitive uses in the vicinity of the site (about 10m to 70m away) and environmental nuisance was expected;

- (d) during the statutory publication period, one public comment was received from a Yuen Long District Council Member objecting to the application for the reason of potential environmental impacts, in particular noise and dust impacts, on the nearby residents; and
- (e) the PlanD's views – PlanD considered that the application could be tolerated for a period of three years, instead of five years as applied, based on the assessments given in paragraph 12 of the Paper. According to the TPB Guidelines No. 13D, the site fell within the Category 1 areas. The application was generally in line with the Guidelines in that Government departments concerned had no major adverse comment or their comments could be addressed through the imposition of approval conditions. The development was generally in line with the planning intention of the “OS” zone and was not incompatible with the surrounding uses. To address DEP's concern on the environmental interface problem, approval conditions on operation hours had been suggested. In view of the local concerns and the failure to comply with the planning conditions of a previous planning permission, a shorter approval period of three years and shorter compliance periods were suggested for Members' reference.

93. In response to a question from a Member, Mr. Alex Kiu said that if the applicant failed to comply with the approval conditions, the planning permission could be revoked and the enforcement action could be taken against the development at the site. In response to a follow-up query from the same Member, Mr. Alex Kiu indicated that the applicant might not have enough time to comply with the approval conditions in the previous planning permission, which was approved for a period of nine months only. In addition, the drainage improvement works adjacent to the application site might have affected the implementation of the approval conditions.

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

94. Ms. Shirley Lee reported that in the past three years, four complaints had been received against the subject development. In response to a query from the Chairperson, Ms. Shirley Lee said that the complaints were valid and justified, and involved a variety of issues,

including air, noise, solid wastes and waste water pollution.

Deliberation Session

95. A Member said he had no objection to the application but worried that the applicant might not comply with the approval conditions in view of the history of the development at the site. The Chairperson said that in case the approval conditions were not complied with, the planning permission would be revoked.

96. The Secretary proposed that the applicant should be advised of the Committee's concern on the importance to comply with all the approval conditions. Members agreed.

97. After further deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 1.8.2011, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) a right of way for Drainage Services Department and its representative to reach an existing stream to carry out regular and emergency works should be provided within the site at all times during the planning approval period;
- (b) no night-time operation between 11:00 p.m. and 8:00 a.m. was allowed on the site during the planning approval period;
- (c) no operation on Sundays or public holidays between 5:00pm and 10:00am was allowed on the site during the planning approval period;
- (d) the submission of vehicular access proposals including swept path analysis for the site within 3 months from the date of planning approval to the satisfaction of the Commissioner for Transport or of the TPB by 1.11.2008;
- (e) in relation to (d) above, the implementation of the accepted vehicular access proposal within 6 months from the date of planning approval to the satisfaction of the Commissioner for Transport or of the TPB by 1.2.2009;

- (f) the submission of landscape and tree preservation proposals within 3 month from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 1.11.2008;
- (g) in relation to (f) above, the implementation of landscape and tree preservation proposals within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 1.2.2009;
- (h) the submission of a Drainage Impact Assessment within 3 months from the date of the planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 1.11.2008;
- (i) in relation to (h) above, the implementation of flood mitigation measures and provision of drainage facilities as identified in the Drainage Impact Assessment within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 1.2.2009;
- (j) 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 1.11.2008;
- (k) in relation to (j) above, the provision of fire service installations proposed within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 1.2.2009;
- (l) the provision of paving and fencing of the site within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 1.11.2008;
- (m) if any of the above planning conditions (a), (b) or (c) was not complied with during the approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice; and
- (n) if any of the above planning conditions (d), (e), (f), (g), (h), (i), (j), (k) or (l)

was not complied with by the above specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice.

98. The Committee also agreed to advise the applicant :

- (a) that prior planning permission should have been obtained before commencing the applied use at the application site;
- (b) to resolve any land issue relating to the development with the concerned owner(s) of the application site;
- (c) that it was important to comply with all the approval conditions in the current planning permission and shorter approval and compliance periods had been imposed in order to monitor the situation;
- (d) to note the comments of District Lands Office/Yuen Long (DLO/YL) that Short Term Waiver for erection of structures on the site and Short Term Tenancy for occupation of Government Land should be applied. His Office would not guarantee right-of-way to any proposed Short Term Waiver/Short Term Tenancy even if the subsequent regularisation proposal was approved;
- (e) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that the alignment of the proposed circulation road linking the two parcels of the site should avoid encroaching onto the works limit of the “Drainage Improvement in Northern NT Package B – Drainage Improvement Works in Ki Lun Tsuen, Yuen Long, N.T.” project. The applicant should consult DLO/YL regarding all the proposed drainage works outside the site boundary, construct and maintain all proposed drainage facilities at his own costs, and not to disturb or block all existing drains, channels and streams within and in its vicinity of the site. No public sewerage maintained by his Office was currently available for connection. For sewage disposal and treatment, agreement from the

Director of Environmental Protection should be obtained;

- (f) to note the comments of the Chief Engineer/Development(2), Water Supplies Department (WSD) that the applicant should bear the cost of any necessary diversion works of existing water mains affected by the proposed development. In case it was not feasible to divert the affected water mains, a waterworks reserve within 1.5m from the centerline of the water main should be provided to WSD. No structure should be erected over this waterworks reserve and such area should not be used for storage purposes. The Water Authority and his officers and contractors, his or their workmen should have free access at all times to the said area with necessary plant and vehicles for the purpose of laying, repairing and maintenance of water mains and all other services across, through or under it which the Water Authority might require or authorise. Government should not be liable to any damage whatsoever and howsoever caused arising from burst or leakage of the public water mains within and in close vicinity of the site;
- (g) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department that his Office was not/should not be responsible for the maintenance of any exiting vehicular access connecting the site and Kwu Tung Road;
- (h) to note the comments of the Assistant Commissioner for Transport/New Territories, Transport Department that the management and maintenance responsibilities of the access road should be checked and the right-of-way for the circulation road between the two portions of the site should be ascertained;
- (i) to comply with the environmental mitigation measures recommended in the “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” as issued by the Director of Environmental Protection in order to minimise the possible environmental nuisance;
- (j) to note the comments of the Director of Agriculture, Fisheries and

Conservation that there were small fish ponds in the vicinity of the site. From fisheries point of view, should the application be approved, the existing access roads, water sources and drainage should be maintained and other disturbance should be avoided in order not to affect any fish pond farming activity operating in the vicinity;

- (k) to note the comments of the Director of Fire Services that the applicant should submit relevant building plans to incorporate 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. In formulating the FSIs proposal, the applicant was advised to provide explicit information depicting the dimensions and layout of the structures erected within the premises in the proposal. The applicant was also advised to approach Dangerous Goods Division of Fire Services Department for advice on licensing of the site for repairing workshop purpose; and
- (l) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department that all building works were subject to compliance with the Buildings Ordinance. Authorised Person had to be appointed to coordinate all building works. The granting of planning approval should not be construed as an acceptance of the unauthorised structures on site under the Buildings Ordinance. Enforcement action might be taken to effect the removal of all unauthorised works in the future. Each of the two sites should be self-sustainable under the Buildings Ordinance and formal submission of any proposed works for approval under Buildings Ordinance was required for the two sites separately.

Agenda Item 25

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-NTM/226 Proposed Temporary Port Back-up Site (Vehicle Park Only) with Ancillary Office for a Period of 3 Years in “Green Belt” and “Open Storage” zones, Lots No. 2234 RP (Part), 2235(Part), 2236, 2237 RP, 2238, 2239, 2240, 2241, 2242, 2243, 2245(Part), 2300, 2301, 2302(Part), 2324(Part), 2325(Part) and 2326(Part) in D.D. 102 and adjoining Government Land, Ngau Tam Mei, Yuen Long
(RNTPC Paper No. A/YL-NTM/226)

Presentation and Question Sessions

99. Mr. Alex Kiu, TP/TMYL, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed temporary port back-up site (vehicle park only) with ancillary office for a period of 3 years;
- (c) departmental comments – the Director of Environmental Protection (DEP) did not support the application as there were sensitive uses in the vicinity of the site (about 10m to 50m away) and the access road, and environmental nuisance was expected. The Director of Agriculture, Fisheries and Conservation (DAFC) was not in favour of the application as the agricultural activities in the vicinity of the site were active and the site could be rehabilitated for agricultural purposes. The Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) considered that the applicant was required to submit a Drainage Impact Assessment (DIA) report and a drainage proposal for review;
- (d) no public comment was received during the statutory publication period and no local objection/view was received by the District Officer/Yuen

Long; and

- (e) the PlanD's views – PlanD did not support the application based on the assessments given in paragraph 12 of the Paper. Most part of the site (about 70%) fell within Category 4 areas under the TPB Guidelines No. TPB PG-No. 13D. The proposed development in the “Green Belt” (“GB”) portion of the site did not meet the TPB Guidelines in that it did not have any previous planning approvals and there were no exceptional circumstances to merit sympathetic considerations for the application. There was insufficient information to demonstrate that the development would not have adverse environmental, drainage and agricultural impacts on the surrounding areas and the approval of the application would set an undesirable precedent.

100. Members had no question on the application.

Deliberation Session

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

- (a) the proposed temporary port back-up site with ancillary office was not in line with the planning intention of the “Green Belt” (“GB”) zone which was to define the limits of 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 no strong justification in the submission to merit a departure from such planning intention, even on a temporary basis;
- (b) there was insufficient information in the submission to demonstrate that the development would not have adverse environmental, drainage and agricultural impacts 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 effects of which would result in a further degradation of the rural character of the area.

Agenda Item 26

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTN/279 Proposed Residential Development with Commercial Facilities and Government, Institution or Community Site in “Undetermined” zone, Lot 2099 in DD 109 and Adjoining Government Land, Ha Ko Po Tsuen, Kam Tin, Yuen Long
(RNTPC Paper No. A/YL-KTN/279)

Presentation and Question Sessions

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

102. The application was submitted by a subsidiary of Sun Hung Kai Properties Ltd. (SHKP). Messrs. Donald Yap and Y.K. Cheng had declared interests in this item as they had current business dealings with SHKP. As the applicant had requested to defer consideration of the application, they could be allowed to stay at the meeting.

103. The Committee noted that on 16.7.2008, the applicants requested for deferment of the consideration of the application for 2 months in order to allow sufficient time for the applicant to prepare further supplementary information to address the departmental comments.

Deliberation Session

104. 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

maximum period of two months, as proposed by the applicant, was allowed for the preparation of the submission of further information, and no further deferment would be granted unless under very special circumstances.

Agenda Item 27

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTN/303 Proposed Temporary Open Storage of Construction Materials for a Period of 3 Years in “Agriculture” zone, Lots 377 S.A RP and 377 S.B RP in D.D. 110, Kam Tin Road, Yuen Long
(RNTPC Paper No. A/YL-KTN/303)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed temporary open storage of construction materials for a period of 3 years;

[Mr. Donald Yap returned to join the meeting at this point.]

- (c) departmental comments – the Director of Environmental Protection (DEP) did not support the application as there were residential structures in the vicinity of the site and environmental nuisance was expected. The Chief Town Planner/Urban Design & Landscape, Planning Department (CTP/UD&L, PlanD) objected to the application as the proposed development was incompatible with the existing rural landscape character. The Director of Agriculture, Fisheries and Conservation (DAFC) did not favour the application as the agricultural activities in the vicinity of the site were active and the site could be rehabilitated for agricultural purposes.

The Assistant Commissioner for Transport/New Territories, Transport Department (AC for T/NT, TD) was concerned about the use of long vehicles for carrying construction materials as long vehicles were prohibited to enter the access road;

- (d) no public comment was received during the statutory publication period and no local objection/view was received by the District Officer/Yuen Long; and
- (e) the PlanD's views – PlanD did not support the application based on the assessments given in paragraph 12 of the Paper. The application did not comply with the TPB PG-No. 13D in that there was no previous approval for similar uses at the site and there were adverse comments from environmental and landscape points of view. The proposed development was not compatible with the surrounding land uses which were predominantly rural in character with fallow agricultural lands/vacant land and a few residential structures. The approval of the application, even on a temporary basis, would set an undesirable precedent for similar applications within the “AGR” zone. The cumulative effect of approving such application would result in general degradation of the rural environment of the area.

106. Members had no question on the application.

Deliberation Session

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

- (a) the development was not in line with the planning intention of the “Agriculture” (“AGR”) zone which was to retain and safeguard good agricultural land for agricultural purposes. This zone was also intended to retain fallow arable land with good potential for rehabilitation. No strong justification had been given in the submission for a departure from the

planning intention, even on a temporary basis;

- (b) the application did not comply with the TPB PG-No. 13D in that the development was not compatible with the surrounding land uses which were predominantly rural in character; there was no previous approval granted at the site and there were adverse comments from Government departments;
- (c) there was insufficient information to demonstrate that the development would not generate adverse environmental, landscape, drainage and traffic impacts on the surrounding areas; and
- (d) the approval of the application, even on a temporary basis, would set an undesirable precedent for similar applications within the “AGR” zone. The cumulative effect of approving such applications would result in a general degradation of the rural environment of the area.

Agenda Item 28

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTN/305 Proposed Temporary Eating Place (Restaurant) for a Period of 3 Years
in “Industrial (Group D)” and “Other Specified Uses” annotated
“Railway Reserve” zones, Lot 1733 RP in D.D. 107, San Tam Road,
Yuen Long
(RNTPC Paper No. A/YL-KTN/305)

Presentation and Question Sessions

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

- (a) background to the application;

- (b) the proposed temporary eating place (restaurant) for a period of 3 years;
- (c) departmental comments – no adverse comment from concerned Government departments was received;
- (d) during the statutory publication period, 5 public comments had been received. They objected or strongly objected to the application on the grounds of adverse sewage, drainage, noise, environmental and ecological impacts and hygiene/rodent problem created by the proposed restaurant on the surrounding areas. The District Officer/Yuen Long had also received one objection to the application from the Village Representative of Fung Kat Heung which was the same as one of the public comments received during the statutory publication period; and
- (e) the PlanD's views – PlanD considered that the proposed temporary restaurant could be tolerated based on the assessments given in paragraph 11 of the Paper. Although 74% of the application site fell within the “Other Specified Uses” annotated “Railway Reserve” zone, the exact alignment and development programme of the Northern Link (NOL) had yet to be finalised. Temporary approval would not jeopardise the long-term planning intention of the “OU(Railway Reserve)” zone. The proposed development was considered not incompatible with the surrounding land uses. To address the concern of the public on the possible environmental nuisance generated by the proposed development, approval conditions restricting operation hours and requiring provision of boundary fence were suggested. A shorter approval period of two years, instead of three years sought, and shorter compliance periods of the relevant approval conditions were suggested so as to monitor the situation at the site.

109. Members had no question on the application.

Deliberation Session

110. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 2 years until 1.8.2010, 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 11:00pm and 7:00am, as proposed by the applicant, was allowed on the site during the planning approval period;
- (b) the provision of 2 metres high boundary fencing, 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 1.2.2009;
- (c) the submission of landscape proposals within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 1.11.2008;
- (d) in relation to (c) above, the implementation 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 1.2.2009;
- (e) the submission of drainage proposal within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 1.11.2008;
- (f) in relation to (e) above, the implementation 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 1.2.2009;
- (g) the submission of emergency vehicular access, water supply for fire fighting and 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 1.11.2008;
- (h) in relation to (g) above, the implementation of emergency vehicular access, water supply for fire fighting and fire service installations proposals within

6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 1.2.2009;

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

111. The Committee also agreed to advise the applicant :

- (a) that a shorter approval period was granted and shorter compliance periods were imposed so as to monitor the situation on site and fulfilment of approval conditions;
- (b) to note the District Lands Officer/Yuen Long, Lands Department's comments that no structure would be permitted without prior approval from his office and no maintenance works for the informal track from San Tam Road for access of the site would be carried out by his office;
- (c) to note the Chief Highway Engineer/New Territories West, Highways Department's comments that his office was not/should not be responsible for the maintenance of any existing vehicular access connecting the application site and San Tam Road;
- (d) to note the Director of Food and Environmental Hygiene's comments that the proposed restaurant had to be granted with a valid restaurant licence

issued by his office and the operation of the restaurant should not cause any environmental nuisance to the surroundings. Besides, the management or owner of the site was responsible for its removal and disposal of the refuse generated by the proposed restaurant at their own expenses;

- (e) to note the Chief Engineer/Mainland North and the Chief Engineer/Drainage Projects, Drainage Services Department's comments that a drainage proposal should be submitted to demonstrate that all the existing flow paths as well as the runoff falling onto and passing through the site would be intercepted and disposed of via proper discharge points;
- (f) to note the Director of Environmental Protection's (DEP) comments that any wastewater discharge from the proposed use was controlled under the Water Pollution Control Ordinance. The Regional Office (North) of the Environmental Protection Department should be contacted for more details;
- (g) 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 DEP to minimise any potential environmental nuisances;
- (h) to note the Director of Fire Services's comment that detailed fire safety requirement would be formulated upon receipt of formal submission of general building plans and formal licence application referred by the Food and Environmental Hygiene Department;
- (i) to note the Chief Building Surveyor/New Territories West, Buildings Department's comments that formal submission of any proposed new works, including any temporary structure for approval under the Buildings Ordinance was required. If the site did not abut on a specified street having a width not less than 4.5m wide, the development intensity should be determined under Building (Planning) Regulation (B(P)R) 19(3) at building plan submission stage. Besides, provision of emergency vehicular access to all buildings was required under B(P)R 41D. Detailed

consideration would be made at building plan submission stage; and

- (j) to note the Director of Electrical and Mechanical Services' comments that no new building or structure should be allowed within 50m working corridor of the concerned 400kV overhead lines. In case any proposed building or structure was constructed within the corridor, agreement from his office and CLP Power Hong Kong Limited (CLPP) had to be sought before commencement of the construction work. Besides, CLPP should be consulted whenever there was scaffolding, crane, hoist or any other lifting equipment operated in the vicinity of the concerned overhead lines. In any time during and after construction, CLPP should be allowed to get access to the 50m working corridor area of the concerned 400kV overhead lines for carrying out any operation, maintenance and repair work including tree trimming. In addition, the contractor should liaise with CLPP to divert the existing high voltage (11kV) and low voltage (380V) overhead line and/or underground cables prior to establishing any structures within the site as appropriate. The "Code of Practice on Working near Electricity Supply Lines" established under the Electricity Supply Lines (Protection) Regulation should also be observed by the concerned parties when carrying out works in the vicinity of electricity supply lines.

Agenda Item 29

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-PH/566 Proposed Temporary Open Storage of Construction Materials for a
Period of 3 Years in "Agriculture" zone, Lot 1872 in D.D. 111, Kam
Tin Road, Yuen Long
(RNTPC Paper No. A/YL-PH/566)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed temporary open storage of construction materials 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 and along the vehicular access to the site, environmental nuisances were expected. The Director of Agriculture, Fisheries and Conservation (DAFC) had reservation on the application as the proposed access at the northern end of the site would potentially affect the trees therein. The Chief Town Planner/Urban Design & Landscape, Planning Department (CTP/UD&L, PlanD) had some reservations on the application as there was insufficient information in the application to demonstrate that the native trees and fruit trees at the site, which were in good conditions, would be preserved properly;
- (d) no public comment was received during the statutory publication period and no local objection/view was received by the District Officer/Yuen Long; and
- (e) the PlanD’s views – PlanD did not support the application based on the assessments given in paragraph 12 of the Paper. The proposed development was also not in line with the Town Planning Board Guidelines for “Application for Open Storage and Port Back-up Uses” (TPB PG-No.13D) in that there was no previous planning approval covering the site and there were adverse departmental comments on the impacts brought about by the proposed development. The proposed development was not in line with the planning intention of the “AGR” zone on the OZP and was incompatible with the surroundings which were generally rural in character. There was no information in the submission to demonstrate that the proposed development would not cause adverse environmental, drainage and landscape impacts on the surrounding areas. Approval of the

application would set an undesirable precedent for similar uses in the “AGR” zone. The cumulative effect of approving such applications would result in a general degradation of the environment of the area.

113. Members had no question on the application.

Deliberation Session

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

- (a) the proposed development was not in line with the planning intention of the “Agriculture” (“AGR”) zone, which was to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. It was also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. The site was located amid a large “AGR” zone surrounded by fallow agricultural/vacant lands with scattered residential settlements. The proposed development was incompatible with the surroundings which were generally rural in character. There was no strong justification in the submission for a departure from the planning intention, even on a temporary basis;
- (b) the proposed development was also not in line with the Town Planning Board Guidelines for “Application for Open Storage and Port Back-up Uses” (TPB PG-No.13D) in that there was no previous planning approval covering the site and there were adverse departmental comments on the impacts brought about by the proposed development;
- (c) there was no information in the submission to demonstrate that the proposed development would not cause adverse environmental, drainage and landscape impacts on the surrounding areas; and
- (d) approval of the application would set an undesirable precedent for similar uses to proliferate into the zone. The cumulative effect of approving such

applications would result in a general degradation of the environment of the area.

Agenda Item 30

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-PH/567 Temporary Animal Boarding Establishment (Kennel)
for a Period of 3 Years in “Agriculture” and “Village Type
Development” zones, Lot 1895 in D.D. 111 and Adjoining Government
Land, Leung Uk Tsuen, Pat Heung, Yuen Long
(RNTPC Paper No. A/YL-PH/567)

Presentation and Question Sessions

115. 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 animal boarding establishment (kennel) 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 no local objection/view was received by the District Officer/Yuen Long; and
- (e) the PlanD’s views – PlanD considered that the proposed temporary animal boarding establishment (kennel) could be tolerated for a period of three years based on the assessments given in paragraph 11 of the Paper. About half of the site fell within an area zoned as “V” and the other half was

zoned as “AGR”. District Lands Officer/Yuen Long advised that he had not received any small house applications covering the area, and the Director of Agriculture, Fisheries and Conservation (DAFC) did not have any strong view against the application, and advised that the potential for agricultural rehabilitation of the site was low. The development was considered not incompatible with the surrounding land uses which were characterised by fallow agricultural/vacant lands and scattered residential dwellings. As there were residential dwellings in the vicinity of the site, the Director of Environmental Protection (DEP) considered that a good housekeeping practice should be adopted in order to avoid nuisance such as barking noises from dogs affecting the nearby sensitive receivers especially during night time.

116. In response to a query from a Member, Miss Paulina Kwan noted that the Chief Building Surveyor/New Territories West, Buildings Department’s (CBS/NTW, BD) indicated that the unauthorized structures at the site, which were liable to action under section 24 of the Buildings Ordinance (BO), should be removed. The Chairperson added that BD would take enforcement action against unauthorized building works according to its priorities.

117. In response to a query from another Member, Miss Paulina Kwan said the DAFC would require the applicant to obtain an Animal Trader Licence under the Public Health (Animals and Birds) Regulations (Cap. 139B) for his business as an animal breeder on the site. The DAFC would have certain control on the operation of the kennel under the licensing system. Miss Paulina Kwan also added that as the kennel would be an enclosed structure and the residential development was not in its immediate surrounding, the problem of noise nuisance would not be a major concern.

Deliberation Session

118. The same Member was still concerned about the noise, nuisance and safety problems to neighbours caused by the operation and considered that a shorter approval period could be granted to monitor the operation of the kennel. This Member expressed strong reservation on the application in view of the noise nuisance and safety issues. Three other

Members indicated no problem to giving permission in view of the increasing demand for animal boarding facilities and the need for a licence from DAFC. The applicant might not be able to comply with the approval conditions if the approval period was too short.

119. After further deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 1.8.2011, 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 for the operation of the site at any time during the planning approval period;
- (b) 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 Town Planning Board by 1.2.2009;
- (c) in relation to (b) 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 Town Planning Board by 1.5.2009;
- (d) the submission of fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 1.2.2009;
- (e) in relation to (d) 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 Town Planning Board by 1.5.2009;
- (f) 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; and
- (g) if any of the above planning conditions (b), (c), (d) or (e) was not complied

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

120. The Committee also agreed to advise the applicant :

- (a) that prior planning permission should have been obtained before commencing the applied use at the application site;
- (b) to resolve any land issues relating to the development with the concerned owner of the application site;
- (c) to note the District Lands Officer/Yuen Long, Lands Department's comments that the site was occupied by a vacant structure without the approval of his office. Besides, the Government land within the site was also occupied without approval from his office. In this connection, his office reserved the right to take enforcement/control action against these irregularities. The applicant should be noted that no structure would be permitted without the prior approval of his office. Should no Short Term Waiver/Short Term Tenancy application was received/approved, his office on review of the situation would resume or take new action as appropriate according to the established district lease enforcement/control programme. Furthermore, there were no maintenance works to be carried out on the informal track from Kam Tin Road on Government/private land by his office;
- (d) to follow the latest "Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites" issued by Environmental Protection Department (EPD) and adopt environmental mitigation measures 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. The applicant could approach EPD's Regional Office (North) for more details;

- (e) 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. Based on the information provided by the applicant and in consideration of the design/nature of the proposed structures, fire service installations (FSIs) were required. Therefore, the applicant was advised to submit relevant building plans incorporated with the proposed FSIs to his office for approval. In formulating the FSIs' proposal, the applicant was advised to make reference to the requirements as stipulated in paragraph 4.14 'Commercial – Low Rise' of the current version of the "Code of Practice for Minimum Fire Service Installations and Equipment". In this connection, the applicant should also be advised that the building plans should be drawn to scale and depicted with dimensions and the location where the proposed FSI to be installed should be clearly marked on the building plans;
- (f) to note the Chief Engineer/Development (2), Water Supplies Department's comments that water mains in the vicinity of the site could not provide the standard fire-fighting flow; and
- (g) to note the Chief Building Surveyor/New Territories West, Buildings Department's comments that the unauthorized structures on site should be removed, which were liable to action under section 24 of the Buildings Ordinance (BO). The granting of the planning approval should not be construed as condoning to any unauthorized structures existing on the site under the BO and the allied regulations. Actions appropriate under the said Ordinance or other enactment might be taken if contravention was found. Formal submission of any proposed new works, including any temporary structures for approval under the Buildings Ordinance was required. If the site did not abut on a specified street having a width not less than 4.5m wide, the development intensity should be determined under the Building (Planning) Regulation 19(3) at building plan submission stage.

[The Chairperson thanked Mr. W.M. Lam, Ms. S.H. Lam and Miss Paulina Y.L. Kwan, STPs/TMYL, and Mr. Alex Kiu, TP/TMYL for their attendance to answer Members' enquires.

Mr. Lam, Ms. Lam, Miss Kwan and Mr. Kiu left the meeting at this point.]

Agenda Item 31

Any Other Business

121. There being no other business, the meeting was closed at 5:00 p.m..

(Chairperson)

Rural and New Town Planning Committee