

TOWN PLANNING BOARD

Minutes of 403rd Meeting of the Rural and New Town Planning Committee held at 2:30 p.m. on 18.9.2009

Present

Director of Planning
Mrs. Ava S.Y. Ng

Chairperson

Mr. Alfred Donald Yap

Vice-chairman

Mr. David W.M. Chan

Professor David Dudgeon

Mr. Tony C.N. Kan

Mr. Edmund K.H. Leung

Dr. C.N. Ng

Mr. B.W. Chan

Mr. Rock C.N. Chen

Mr. Timothy K.W. Ma

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

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

Assistant Director/New Territories, Lands Department
Mr. Simon K.M. Yu

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

Secretary

Absent with Apologies

Mr. Y.K. Cheng

Professor Paul K.S. Lam

Professor Edwin H.W. Chan

Ms. Maggie M.K. Chan

Ms. Anna S.Y. Kwong

Dr. James C.W. Lau

Assistant Director (2), Home Affairs Department
Mr. Andrew Y.T. Tsang

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
Miss Hannah H.N. Yick

Agenda Item 1

Confirmation of the Draft Minutes of the 402nd RNTPC Meeting held on 4.9.2009

[Open Meeting]

1. The draft minutes of the 402nd RNTPC meeting held on 4.9.2009 were confirmed without amendments.

Agenda Item 2

Matters Arising

[Open Meeting]

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

Tuen Mun and Yuen Long District

Agenda Item 3

[Closed Meeting]

3. The minutes of this item were recorded under separate confidential cover.

Sai Kung and Islands District

[Miss Erica S.M. Wong, Ms. Ann O.Y. Wong and Mrs. Margaret W.F. Lam, Senior Town Planners/Sai Kung and Islands (STPs/SKIs), were invited to the meeting at this point.]

Agenda Item 4

[Open Meeting]

Further Consideration on the Proposed Amendments to
the Approved Cheung Chau Outline Zoning Plan No. S/I-CC/3
(RNTPC Paper No. 13/09)

Presentation and Question Sessions

4. Miss Erica S.M. Wong, STP/SKIs, presented the proposed amendments to the approved Cheung Chau Outline Zoning Plan (OZP) and covered the following aspects as detailed in the Paper:

Background

- (a) On 27.2.2009, the Committee considered the proposed amendments to the OZP and agreed to rezone a piece of land of about 4,700m² at Fa Peng from “Residential (Group C)5” (“R(C)5”) to “Green Belt” (“GB”) in order to preserve the existing well-vegetated natural character of the area taking into account its remote location. The Committee also agreed that the Islands District Council (IDC) should be consulted before the amendments were gazetted under section 5 of the Town Planning Ordinance (TPO);

Local Consultation

- (b) Subsequently, the proposed amendments to the OZP were presented to IDC on 6.4.2009 and also Cheung Chau Rural Committee (CCRC) on 21.5.2009. Some Members of IDC and CCRC did not support the amendment as they

considered that there was limited land for residential development on Cheung Chau, whereas green areas were already adequate. The site at Fa Peng should be retained to meet possible future demand of residential land;

Departmental Comments

- (c) Director of Agriculture, Fisheries and Conservation (DAFC) supported the proposed rezoning from nature conservation point of view as the site being part of a larger woodland/shrub land habitat was well-vegetated supporting various kinds of fauna such as birds and butterflies;
- (d) Director of Environmental Protection (DEP) supported the proposed rezoning which could help preserve the natural environment and preserving the dense vegetation/tree of the area in Fa Peng;
- (e) District Officer/Islands and District Lands Officer/Islands had no comment on the views of the IDC and CCRC and no further comment on the proposed amendments to the Cheung Chau OZP;

Planning Department (PlanD)'s Views

- (f) PlanD maintained the previous recommendation to rezone the site to "GB" based on the assessment in Paragraph 5 of the Paper in view of the well-vegetated status and remote location of the site. Both DAFC and DEP supported the proposed rezoning. Regarding the need to meet future demand of residential land, there was a number of undeveloped "R(C)5" sites on the OZP readily available. Those with area larger than 4,000m² were located at Sai Wan, Cheung Chau Peak Road West near Ko Shan Tsuen and Fa Peng Road as shown in Plan 4 of the Paper.

5. A Member asked if the subject site could be rezoned back to residential zoning later when there was a demand. The Chairperson also asked PlanD to explain whether there was a high demand for residential land in Cheung Chau. Miss Erica S.M. Wong said that there was no large-scale residential development in Cheung Chau apart from the one site on

the Application List which was sold one to two years ago. Besides, there were small house developments within “Village Type Development” zone.

6. The Chairperson commented that the site located on vegetated slopes was more akin to the character of the “GB” zone than a site for residential development. Members considered that the proposed rezoning acceptable.

Deliberation Session

7. After deliberation, the Committee decided to agree that :

- (a) the proposed amendments to the approved Cheung Chau Outline Zoning Plan (OZP) No. S/I-CC/3 and its Notes, as detailed in paragraphs 6 and 7 of the Paper, were suitable for exhibition for public inspection under section 5 of the Town Planning Ordinance; and
- (b) the updated Explanatory Statement, as detailed in paragraph 8 of the Paper, was suitable for exhibition for public inspection together with the draft Cheung Chau OZP No. S/I-CC/3A.

Agenda Item 5

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/SK-CWBN/11 Proposed Minor Relaxation of Existing Site Coverage and Building Height for Permitted Residential Use in “Residential (Group C) 6” zone, 33 Hang Hau Wing Lung Road, Sai Kung (RNTPC Paper No. A/SK-CWBN/11)

8. Mr. Edmund K.H. Leung declared an interest in this item as he had a property at Hang Hau. However, the Committee considered that his interest was remote as his property was at a distance away from the application site and he was allowed to stay in the meeting.

Presentation and Question Sessions

9. Miss Erica S.M. Wong, STP/SKIs, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) minor relaxation of existing site coverage from 16.7% to 20% and building height from 2 storeys to 3 storeys;
- (c) departmental comments –District Lands Officer/Sai Kung opined that the proposed development of a 3-storey building exceeding 25 ft. (7.62m) in height would breach the lease. If the site coverage exceeded 25% based on the area of the parent lot, it had breached the lease condition and lease modification was required. Relevant Government departments had no objection to the application;
- (d) during the first three weeks of the public inspection period, which ended on 25.8.2009, 3 written public comments/representations supporting the application were received and no local objection/view was received by the District Officer (Sai Kung); and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessment in paragraph 11 of the Paper. The proposed house with a maximum total GFA consistent with that of the existing building at the site would not increase the development intensity of the subject site. The proposed maximum SC of 20% and maximum BH of 3 storeys for the permitted residential use at the application site were consistent with the restrictions of the subject “Residential (Group C)” zone for new developments. The proposed minor relaxation in site coverage and building height was minor in nature and would not cause adverse impacts on visual quality, traffic, infrastructural provision and environment in the area. There was no adverse comment/objection from Government departments consulted.

10. Members had no question on the application.

Deliberation Session

11. 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 18.9.2013, 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 a landscape proposal with tree preservation proposal to the satisfaction of the Director of Planning or of the TPB; and
- (b) the provision of water supplies for fire-fighting and fire service installations to the satisfaction of the Director of Fire Services (DFS) or of the TPB.

12. The Committee also agreed to advise the applicant :

- (a) to apply to the Director of Lands regarding the proposed lease modification;
- (b) to note the comments of the Senior Land Surveyor/Sai Kung, Lands Department that the redevelopment should be confined entirely within its lot boundary and the “Residential (Group C) 6” zone;
- (c) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department that the retaining structures required to form the building terrace should have adequate finishes and greening measures (vertical greening) to harmonise the structures with the surrounding “Conservation Area” zone;
- (d) to note the comments of the Chief Building Surveyor/New Territories East

& Rail, Buildings Department with regard to Emergency Vehicular Access (EVA) provision and gross floor area calculation as detailed under paragraph 9.1.9 of the RNTPC Paper; and

- (e) to note the comments of DFS that EVA arrangement should comply with Part VI of the Code of Practice for Means of Access for Fire-fighting and Rescue administered by the Buildings Department. Detailed fire safety requirements would be formulated upon receipt of formal submission of general building plans.

Agenda Item 6

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/SK-HH/45 Proposed Temporary School (Kindergarten) for a Period of 3 Years
in “Other Specified Uses” annotated “Residential Cum Marina
Development” zone,
Shop D and Yard, G/F, Marina Cove Shopping Centre, Sai Kung
(RNTPC Paper No. A/SK-HH/45)

Presentation and Question Sessions

13. Ms. Ann O.Y. Wong, STP/SKIs, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application highlighting that there were three previous applications. The first two Applications No. A/SK-HH/22 and No. A/SK-HH/43 covering a smaller area of the subject application site were approved with conditions on 27.10.2000 and 27.2.2009 respectively. The third application No. A/SK-HH/44, submitted by the same applicant, at the same premises for a temporary kindergarten for a period of 3 years, was rejected by the Committee on 10.7.2009 for the reason that there was insufficient information on the traffic arrangement for school children and hence might aggravate the existing traffic condition of the area causing

adverse traffic impact on Hiram's Highway. The section 17 review of the rejected application was scheduled to be considered by the Board on 30.10.2009;

- (b) proposed temporary school (kindergarten) for a period of 3 years;
- (c) departmental comments – there was no objection/adverse comment from concerned Government departments including Assistant Commissioner for Transport/New Territories, Transport Department (AC for T/NT, TD);
- (d) during the statutory publication period, a total of 39 public comments (including two petitions with 67 signatures supporting and 471 signatures objecting the application) were received. 23 supported the application while 16 objected to the application. For those supporting the application, they considered that the proposed use would have a lesser impact than shop or restaurant uses, help ease the demand of quality kindergarten in the area, and would have no adverse traffic impact in the local area. For those objecting the application, they considered that the proposed use would induce adverse traffic impacts and air pollution, cause concerns on road safety for school children and was not in line with the planning intention for low-density housing. No local objection/view was received by the District Officer (Sai Kung); and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments in paragraph 10 of the Paper. The proposed kindergarten was considered not incompatible with the adjoining uses such as tutorial schools and shops within the commercial block from land use planning point of view. The new traffic arrangement proposed by the applicant to address the traffic concerns raised by the Committee in the previously rejected application was considered by AC for T/NT, TD and she had no objection to the application. Moreover, appropriate planning condition was recommended to ensure implementation of the traffic arrangement as proposed by the applicant. Other relevant Government departments also had no adverse comments on the application.

14. Members had no question on the application.

Deliberation Session

15. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 18.9.2012, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) the provision of water supplies for fire fighting and fire service installations within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 18.6.2010;
- (b) the implementation of traffic arrangement as proposed by the applicant within 9 months from the date of planning approval to the satisfaction of the Commissioner for Transport or of the TPB by 18.6.2010; and
- (c) if any of the above planning conditions (a) or (b) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice.

16. The Committee also agreed to advise the applicant :

- (a) to resolve any land issues relating to the development with the concerned owner(s) of the application premises;
- (b) to apply to the Education Bureau regarding the school registration matter under the Education Ordinance;
- (c) to note the comments of the Director of Fire Services that emergency vehicular access arrangement should comply with Part VI of the Code of Practice for Means of Access for fire fighting and rescue administered by the Buildings Department;

- (d) to note the comments of the Director of Buildings that:
 - (i) the proposed works under the application should comply with the Buildings Ordinance and the allied regulation;
 - (ii) provision of adequate numbers of exit which should comply with the requirements under Building (Planning) Regulation (B(P)R 41) and the Code of Practice for Means of Escape in Case of Fire 1996;
 - (iii) Barrier Free Access should be provided in accordance to B(P)R 72 including provision of an accessible unisex W.C. cubicle;
 - (iv) natural lighting and ventilation should be provided to office areas, toilets and pantries under B(P)R 31 and B(P)R 36;
 - (v) the applicant should appoint an Authorized Person for preparation of the necessary submission to Buildings Department; and

- (e) to note the comments of the Chief Engineer/Development (2), Water Supplies Department that for provision of water supply to the development, the applicant might need to extend his/her inside services to the nearest suitable Government water mains for connection. The applicant should resolve any land matter (such as private lots) associated with the provision of water supply and should be responsible for the construction, operation and maintenance of the inside services within the private lots to Water Supplies Department's standard.

Agenda Item 7

Section 16 Application

[Open Meeting]

A/SK-PK/166

Proposed 5 Houses

(New Territories Exempted Houses – Small Houses)

in “Village Type Development” and “Green Belt” zones,

Lots 1090 sA (part), 1090 sB (part), 1090 sC (part), 1090 sD (part),

1090 sE, 1090 sF and 1090 RP (part) in DD 217 and

adjoining Government land, Kau Sai San Tsuen, Sai Kung

(RNTPC Paper No. A/SK-PK/166)

17. The Secretary reported that World Wide Fund for Nature Hong Kong (WWF) had submitted a public comment on the application. Professor David Dudgeon, being a Trustee of WWF and a Member of the Mai Po Management and Development Committee under WWF, had declared an interest in this item. As the applicant had requested to defer consideration of the application, the Committee agreed that Professor Dudgeon could stay in the meeting.

Presentation and Question Sessions

18. The Committee noted that the applicant’s representative on 4.9.2009 requested for deferment of the consideration of the application for two months in order to allow time to resolve the outstanding technical issues raised by Government departments.

Deliberation Session

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

[Mr. Edmund K.H. Leung and Dr. C.N. Ng left the meeting while Mr. Rock C.N. Chen left the meeting temporarily at this point.]

Agenda Item 8

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/I-NP/13 Proposed Minor Relaxation of Building Height from 7.62m to 12m
for Permitted Religious Institution Use
in “Government, Institution or Community (2)” zone,
Lot 236 (Part) in DD Ngong Ping, Po Lin Monastery,
Ngong Ping, Lantau
(RNTPC Paper No. A/I-NP/13)

Presentation and Question Sessions

20. Mrs. Margaret W.F. Lam, STP/SKIs, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) minor relaxation of the building height restriction for a proposed drum tower and a proposed bell tower at the application site from 7.62m to 12m (+4.38m or +57.5% of the building height restriction). The proposed towers were identical in size and height, each with an area of about 133.43m² falling within Po Lin Monastery. They would replace two existing pavilions both of about 7.35m in height;

[Mr. Rock C.N. Chen returned to join the meeting at this point.]

- (c) departmental comments –Chief Town Planner/Urban Design and Landscape, Planning Department considered that the towers were not incompatible with the unique ambience and visual character of the Po Lin

Monastery and the heights of surrounding buildings and hence she had no objection to the proposed minor relaxation of building height from urban design and visual impact points of view. Chief Architect/Advisory & Statutory Compliance, Architectural Services Department (CA/ASC, ArchSD) had no adverse comment as the siting and design of the bell tower and drum tower seemed to follow the architectural language of classical Chinese religious institution. Other concerned Government departments had no objection to the application;

- (d) during the statutory publication period, two public comments expressing support to the application were received. The commenters considered that proposed towers would add a place in the Po Lin Monastery for visit and worship. District Officer (Islands) advised that the Chairman of Tai O Rural Committee and an Islands District Councilor were consulted and both had no comment on the application; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments in paragraph 10 of the Paper. Although the proposed height of the drum and bell towers was 12m which represented about 57.5% increase from the building height restriction of 7.62m, it would not alter the stepped height profile within the Po Lin Monastery. According to the CA/ASC, ArchSD, the siting and design of the bell tower and drum tower followed the architectural language of classical Chinese religious institution. As the design and scale of the proposed towers were compatible with the surrounding development and visually blend in with the Monastery, approval of the proposed relaxation of building height would enhance the Monastery as one of the dominant landmarks in the Ngong Ping Area. There was no adverse comment from concerned Government departments on the drainage and traffic aspects.

21. A Member asked whether the Antiquities and Monuments Office (AMO) of Leisure and Cultural Services Department had been consulted on the historical value of the existing pavilions. Mrs. Margaret W.F. Lam responded that the two pavilions were not graded buildings and AMO had not been consulted. The Chairperson added that the subject

pavilions were not on the list of 1,444 buildings of higher heritage value recently reviewed by AMO.

Deliberation Session

22. After further 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 18.9.2013, 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.

23. The Committee also agreed to advise the applicant :

- (a) to note the District Lands Officer/Islands, Lands Department's comment that lease modifications would be required in respect of :
 - (i) amending the maximum gross floor area and site coverage limits under SC (12)(c) and SC(12)(d) in order to permit any excessive gross floor area and site coverage resulting from the proposal, subject to premium to be assessed; and
 - (ii) relaxing the building height from 7.62m to 12m above the mean formation level for the portion of the lot upon which the proposed bell tower and drum tower were to be erected, subject to premium to be assessed;
- (b) to note the Chief Town Planner/Urban Design and Landscape, Planning Department's comment that protective measures should be provided to preserve existing trees within 5m from the application site boundary;
- (c) to note the Chief Engineer/Development (2), Water Supplies Department's comment that the applicant should comply with the "Conditions for Working within Water Gathering Grounds"; and

- (d) to note the Chief Building Surveyor/New Territories East (1) and Licensing Unit, Buildings Department's comment that submission of plan to Buildings Department to demonstrate compliance with the Buildings Ordinance was required prior to commencement of the proposed works.

[The Chairperson thanked Miss Erica S.M. Wong, Ms. Ann O.Y. Wong and Mrs. Margaret W.F. Lam, STPs/SKIs, for their attendance to answer Members' enquires. Miss Wong, Ms. Wong and Mrs. Lam left the meeting at this point.]

Sha Tin, Tai Po and North District

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

Agenda Item 9

[Open Meeting]

Proposed Amendments to
the Approved Fu Tei Au and Sha Ling Outline Zoning Plan No. S/NE-FTA/10
(RNTPC Paper No. 14/09)

Presentation and Question Sessions

24. The Chairperson welcomed Messrs. Welman Leung and Joe Lam from Architectural Services Department and Mr. Kwan Man Lap and Miss Karen Sin from Food and Environmental Hygiene Department to attend the meeting.

25. Ms. Stephanie P.H. Lai, STP/STN, presented the proposed amendments to the approved Fu Tei Au and Sha Ling Outline Zoning Plan (OZP) and covered the following aspects as detailed in the Paper:

Background

- (a) To minimize the risk of human infection of avian influenza, the Government had proposed to develop a poultry slaughtering centre (PSC) on a piece of vacant Government land of about 1.3 ha at Man Kam To Road, Sheung Shui. The proposed site was in close proximity to local farms and the Mainland crossings with convenient transportation network and was more than 900 m from the nearest major residential areas in Sheung Shui New Town. A broad feasibility study conducted by Food and Health Bureau confirmed the feasibility of the site for PSC facilities;
- (b) Environmental Impact Assessment (EIA) of the project had concluded that the slight impacts on air, noise, water quality and waste generation caused by the project could be mitigated to acceptable levels. The EIA Report was endorsed with conditions by the Advisory Council on the Environment on 14.9.2009 and approved by Director of Environmental Protection with conditions on 16.9.09;

Proposed Amendments to the OZP

- (c) to facilitate the implementation of the PSC, the site for the PSC currently under “Open Storage” (“OS”) and “Other Specified Uses” annotated ‘Petrol Filling Station’ zones had to be rezoned to “Other Specified Uses” annotated ‘Poultry Slaughtering Centre’. Consequential amendments to the boundaries of the adjacent “OS” and “Green Belt” zones were also required;
- (d) departmental comments - the rezoning proposal had been circulated to relevant departments and they had no objection/comment; and
- (e) should the Committee agree to the proposed amendments, PlanD would consult North District Council (or its sub-committee) together with the Sheung Shui District Rural Committee either before the gazetting of the proposed amendments to the OZP or during the exhibition period depending on the meeting schedules of these committees.

26. Members had no question on the proposed amendments of the OZP.

Deliberation Session

27. After deliberation, the Committee decided to :

- (a) agree to the proposed amendments to the approved Fu Tei Au and Sha Ling Outline Zoning Plan (OZP) No. S/NE-FTA/10 as mentioned in paragraph 4 of the Paper;
- (b) agree that the amendment Plan No. S/NE-FTA/10A at Annex B (to be renumbered to S/NE-FTA/11 upon rezoning) and its Notes at Annex C of the Paper were suitable for exhibition for public inspection under section 5 of the Ordinance;
- (c) adopt the revised Explanatory Statement (ES) at Annex D of the Paper as an expression of the planning intentions and objectives of the Board for various land use zones on the draft Fu Tei Au and Sha Ling OZP; and
- (d) agree that the revised ES was suitable for exhibition for public inspection together with the draft OZP No. S/NE-FTA/10A (to be renumbered to S/NE-FTA/11 upon gazetting).

[The Chairperson thanked Messrs. Welman Leung and Joe Lam from Architectural Services Department and Mr. Kwan Man Lap and Miss Karen Sin from Food and Environmental Hygiene Department for their attendance to answer Member's enquiries. Messrs. Leung, Lam and Kwan and Miss Sin left the meeting at this point.]

Agenda Item 10

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-LYT/388 Proposed Temporary Retail Shop (Building Materials and Metalwares)
for a Period of 3 Years
in “Village Type Development” and “Agriculture” zones,
Lots 578 RP (Part), 579 RP (Part) and 580 RP and
Adjoining Government Land in D.D. 83, Kwan Tei, Fanling
(RNTPC Paper No. A/NE-LYT/388)

28. The Committee noted that there were two replacement pages for pages 10 and 11 of the Paper to add an advisory clause (clause (a)) should the application be approved.

Presentation and Question Sessions

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

- (a) background to the application highlighting that the application site had been used for retail shop and storage of building materials for some time with the northwestern part of the site covered by planning permission (No. A/NE-LYT/345) up to 1.12.2009 while the eastern part of the site was subject to planning enforcement action.;
- (b) temporary retail shop (building materials and metalwares) for a period of 3 years;
- (c) departmental comments –Director of Agriculture, Fisheries and Conservation (DAFC) had no strong views against the application as the site had been used as a ‘warehouse/open storage’ for some time and the potential of the site for agricultural rehabilitation was low. Director of Environmental Protection (DEP) had no objection as the subject use would unlikely cause adverse environmental impacts on nearby sensitive receivers if the recommended mitigation measures in the environmental assessment

report would be fully implemented. Chief Engineer/Development(2), Water Supplies Department (CE/D(2), WSD) had no objection and advised that a waterworks reserve within 1.5 metres from the centreline of the existing water main should be provided to WSD.

- (d) a public comment stating ‘no comment’ was received during the statutory publication period. District Officer/North advised that Chairman of Fanling District Rural Committee, the Indigenous Inhabitants’ Representative (IIR) and Resident Representative of Kwan Tei Tsuen and San Tong Po had no comment on the application. The IIR of San Tong Po opined that the applicant should ensure that no adverse traffic and environmental impacts would be generated. Another IIR of Kwan Tei Tseun also opined that the applicant should reduce environmental nuisances during the construction phase; and
- (e) the Planning Department (PlanD)’s views –PlanD considered that the proposed development could be tolerated for a period of 3 years based on the assessment in paragraph 11 of the Paper. The applied use was considered not incompatible with the surrounding environment as similar open storage and warehouse uses were found in the vicinity of the application site. The applied use would not frustrate the long term planning intention of the “Village Type Development” and “Agriculture” zones. DAFC and DEP had no objection. There were local concerns on traffic, noise and possible nuisance. However, the development would unlikely cause any significant adverse impacts on traffic, drainage and landscaping aspects of the area. Relevant Government departments consulted including DEP, Assistant Commissioner for Transport/New Territories, Transport Department, Chief Engineer/Mainland North, Drainage Services Department, Chief Town Planner/Urban Design and Landscape, PlanD had no adverse comment on the application.

30. Members had no question on the application.

31. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 18.9.2012, 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 application site during the planning approval period;
- (b) the setback of the eastern and northern boundary of the site to provide clearance of 3.5m from the crest of the Kwan Tei River embankment to the satisfaction of the Director of Drainage Services or of the TPB;
- (c) the implementation of the accepted environmental mitigation measures as stated in the submitted Environmental Impact Assessment report within 6 months from the date of planning approval to the satisfaction of the Director of Environmental Protection or of the TPB by 18.3.2010;
- (d) the submission of the tree preservation and landscaping proposals within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 18.3.2010;
- (e) in relation to (d) above, the implementation of the tree preservation and landscaping proposals within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 18.6.2010;
- (f) 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 18.3.2010;
- (g) in relation to (f) 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 18.6.2010;
- (h) the design of vehicular access, car parking and loading/unloading spaces

and manoeuvring paths within 6 months from the date of planning approval to the satisfaction of the Commissioner for Transport or of the TPB by 18.3.2009;

- (i) in relation to (h) above, the provision of vehicular access, car parking and loading/unloading spaces within 9 months from the date of planning approval to the satisfaction of the Commissioner for Transport or of the TPB by 18.6.2010;
- (j) if any of the above planning conditions (a) or (b) was not complied with at any time during the approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (k) if any of the above planning conditions (c), (d), (e), (f) (g), (h) or (i) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and
- (l) upon the expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the TPB.

32. The Committee also agreed to advise the applicant :

- (a) prior planning permission should have been obtained before commencing the applied use at the application site;
- (b) to liaise with the District Lands Office/North, Lands Department in relation to re-issue of Short Term Waiver;
- (c) to follow the latest 'Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites' issued by the Environmental Protection Department to adopt environmental mitigation measures to

minimize any possible environmental impacts; and

- (d) to note Chief Engineer/Development (2), Water Supplies Department's (WSD) comments that:
 - (i) an existing water mains would be affected. A waterworks reserve within 1.5 metres from the centreline of the water main shown in PlanA-2 of the Paper should be provided to WSD. 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 authorize. If not, the developer should bear the cost of the diversion works affected by the proposed development;
 - (ii) the applicant might need to extend his inside services to the nearest Government water mains for connection and 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 Water Supplies Department's standards; and
 - (iii) the application site was located within the flood pumping catchment area associated with River Indus and River Ganges pumping stations.

Agenda Item 11

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TKL/322 Renewal of Planning Approval for Temporary Open Storage of Metals and Tools and Containers (for Office and Storage of Tools) for a Period of 3 Years under Application No. A/NE-TKL/291 in “Agriculture” zone, Lot 1403RP (Part) in D.D. 77, Ping Che, Ta Kwu Ling (RNTPC Paper No. A/NE-TKL/322)

Presentation and Question Sessions

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

- (a) background to the application highlighting that the subject application site involved three previously approved applications for open storage purposes;
- (b) the applicant applied for renewal of the last planning approval for temporary open storage of metals and tools and containers (for office and storage of tools) for a period of 3 years under application No. A/NE-TKL/291. All approval conditions of the application had been complied with and the application would be expired on 1.12.2009;
- (c) departmental comments –Director of Environmental Protection (DEP) did not support the application as there were sensitive uses in the vicinity of the application site and environmental nuisance was expected. However, there was no record of environmental complaint since the previous application was approved. Other concerned Government departments had no objection;
- (d) during the statutory publication period, three public comments were received. Two public comments stated “no comment”. One public comment from the Chairman of Ta Kwu Ling District Rural Committee objected to the application mainly on the grounds that the site was not

accessible by fire emergency vehicles which might cause casualties if fire broke out at the application site. District Officer/North consulted the incumbent North District Council Member, Vice-Chairman of Ta Kwu Ling District Rural Committee, Indigenous Inhabitants Representative and Resident Representative of Ha Shan Kai Wat and they had no comments on the application; and

- (e) the Planning Department (PlanD)'s views –PlanD considered that the proposed development could be tolerated for a period of 3 years based on the assessment in paragraph 12 of the Paper. The application generally complies with the Town Planning Board Guidelines No. 13E in that the applicant had complied with all the approval conditions of the two previous planning applications Nos. A/NE-TKL/243 and 291 and there was no major adverse departmental comment against the application. There was no material change in the planning circumstances since the previous temporary approval was granted and no significant change in land uses of the surrounding areas. The development was considered not incompatible with the surrounding mixed land uses comprising warehouses and workshops, domestic structures, vacant land and open storage. The approval of the application on a temporary basis would not frustrate the long-term planning intention of the area. In this regard, Director of Agriculture, Fisheries and Conservation had no strong view against the application. Concern of DEP could be addressed by approval condition of restricting the operation hours on the application site. Besides, there was no pollution complaint regarding the application site in the past 3 years. Director of Fire Service commented that the public comment was not justified as recent site inspection revealed that the application site was accessible by fire appliances and the concern can be addressed by relevant approval condition. Other concerned Government departments had no comment/objection against the application. As such, sympathetic considerations could be given to the application.

34. Members had no question on the application.

35. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 18.9.2012, 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 11:00 p.m. and 7:00 a.m. should be allowed on the application site during the planning approval period;
- (b) no operation on Sundays and public holidays should be allowed on the application site during the planning approval period;
- (c) the peripheral fencing and paving of the site should be maintained during the planning approval period;
- (d) no medium/heavy goods vehicles should be allowed to access the application site during the planning approval period;
- (e) the submission of tree preservation proposals including tree replacement planting within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 18.3.2010;
- (f) in relation to (e) above, the implementation of tree preservation proposals including tree replacement planting within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 18.6.2010;
- (g) 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 18.3.2010;
- (h) in relation to (g) above, the implementation of drainage proposals within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 18.6.2010;

- (i) the submission of proposals for water supplies for fire fighting and fire service installations within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 18.3.2010;
- (j) in relation to (i) above, the provision of water supplies for fire fighting and fire service installations within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 18.6.2010;
- (k) if any of the above planning conditions (a), (b), (c) or (d) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice; and
- (l) if any of the above planning conditions (e), (f), (g), (h), (i) or (j) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice.

36. The Committee also agreed to advise the applicant :

- (a) to apply to the District Lands Office/North, Lands Department for a Short Term Waiver for the regularization of structures erected on the application site;
- (b) to note Chief Engineer/Development(2), Water Supplies Department's comment that water mains in the vicinity of the application site could not provide the standard fire-fighting flow;
- (c) to note Director of Fire Service's comments on the following:
 - (i) sufficient emergency lighting should be provided throughout the entire building in accordance with BS 5266: Part I and BS EN 1838;

- (ii) sufficient directional and exit sign should be provided in accordance with BS 5266: Part I and FSD Circular Letter 5/2008;
 - (iii) fire alarm system should be provided throughout the entire building in accordance with BS 5839: Part 1: 1988 and FSD Circular Letter 1/2002. One actuation point and one audio warning device should be located at each hose reel point. This actuation point should include facilities for fire pump start and audio/visual warning device initiation;
 - (iv) a modified hose reel system supplied by a 2m³ fire service (FS) water tank should be provided. There should be sufficient hose reels to ensure that every part of each building could be reached by a length of not more than 30m of hose reel tubing. The FS water tank, FS pump room and hose reel should be clearly marked on plans; and
 - (v) portable hand-operated approved appliances should be provided as required by occupancy and should be clearly indicated on plans; and
- (d) to follow the environmental mitigation measures as set out in the 'Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites' issued by the Director of Environmental Protection in order to minimize any possible environmental nuisances.

Agenda Item 12

Section 12A Application

[Open Meeting]

Y/NE-TK/5

Application for Amendment to the Draft Ting Kok
Outline Zoning Plan No. S/NE-TK/14 at the Time of Submission of
Application from “Agriculture” to “Other Specified Uses”
annotated “Resort Hotel cum Other Recreational Facilities”,
Various Lots in D.D. 17 and Adjoining Government Land,
Ting Kok, Tai Po
(RNTPC Paper No. Y/NE-TK/5)

37. The Secretary reported that Mr. Tony C.N. Kan who had current business dealings with the applicant had declared an interest in this item. As the applicant had requested to defer consideration of the application, the Committee agreed that Mr. Kan could stay in the meeting.

Presentation and Question Sessions

38. The Committee noted that the applicant’s representative on 24.8.2009 requested for deferment of the consideration of the application for two months in order to allow time to further consult relevant Government departments to address outstanding issues of the application.

Deliberation Session

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

Agenda Item 13

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-KLH/387 Proposed Temporary Open Storage of Cement/Sand/Brick
for a Period of 5 Years in “Open Storage” zone,
Government Land in D.D. 9, Tai Wo Service Road West,
Kau Lung Hang, Tai Po
(RNTPC Paper No. A/NE-KLH/387)

Presentation and Question Sessions

40. Ms. Jessica K.T. Lee, STP/STN, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the temporary open storage of cement/sand/brick for a period of 5 years;
- (c) departmental comments –Director of Environmental Protection did not support the application because environmental nuisance was expected to the nearby sensitive use (a domestic structure at about 75 m from the site to its south). Chief Engineer/Development(2), Water Supplies Department (CE/Dev(2), WSD) objected to the application as the application site was located within the lower indirect water gathering ground (WGG). Development on Government land within the lower indirect WGG was not encouraged in order to reduce the risk of contamination of the water abstraction points.
- (d) two public comments on the application were received during the statutory publication period. While one commenter was concerned about the environmental nuisance generated by the proposed use, including dust nuisance and smell of garbage, the other was concerned about the period sought for the permission. The latter, being an owner of private Lot No. 1433 in D.D. 9 claimed that the proposed use in the application might

contradict his rezoning proposal to be submitted, he suggested that it would be more appropriate to grant a one-year approval for the proposed temporary use;

- (e) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessment detailed in paragraph 12 of the Paper. The application did not comply with the Town Planning Board Guidelines 13E in that there were major adverse departmental comments and local objections on the application. The application site fell within the lower indirect WGG. CE/Dev(2) of WSD objected to the application from the protection of WGG point of view. There was no technical assessment to demonstrate that the proposed use would not have adverse water quality and environmental impacts on the surrounding areas.

41. Members had no question on the application.

Deliberation Session

42. After deliberation, the Committee decided to reject the application and the reason was the proposed development did not comply with the Town Planning Board Guidelines No. 13E in that there were adverse departmental comments and local objections on the application. The application site fell within the lower indirect water gathering ground and the proposed development would generate adverse water quality and environmental impacts on the surrounding areas.

Agenda Items 14 and 15

Section 16 Applications

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-SSH/65 Proposed House (New Territories Exempted House - Small House)
in “Government, Institution or Community” and
“Village Type Development” zones,
Lots 280 RP and 300 RP in D.D. 209, Sai Keng Village,
Shap Sz Heung, Sai Kung North
(RNTPC Paper No. A/NE-SSH/65)

A/NE-SSH/66 Proposed House (New Territories Exempted House - Small House)
in “Government, Institution or Community” and
“Village Type Development” zones,
Lot 281 S.D in D.D. 209, Sai Keng Village,
Shap Sz Heung, Sai Kung North
(RNTPC Paper No. A/NE-SSH/66)

43. Noting that the two applications were similar in nature and the application sites were close to each other and within the same “Village Type Development” (“V”) and “Government, Institution or Community” (“G/IC”) zones, Members agreed that the applications could be considered together.

Presentation and Question Sessions

44. Ms. Jessica K.T. Lee, STP/STN, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the applications;
- (b) a proposed house (New Territories Exempted House (NTEH) - Small House) for each application;
- (c) departmental comments – For application No. A/NE-SSH/65, District Lands Officer/Tai Po, Lands Department (DLO/TP, LandsD) did not

support the application as more than 50% of the site area fell outside the 300ft village ‘environs’ and the “V” zone which encircled Sai Keng Village. According to the current Small House policy, the Small House application could not be considered. For application No. A/NE-SSH/66, DLO/TP, LandsD had no objection to the application as more than 50% of the footprint of the Small House was within the ‘V’ zone of Sai Keng Village. There was also no objection from other Government departments;

- (d) no public comment was received during the statutory publication period and no local objection/view was received by the District Officer (Tai Po) for both applications; and
- (e) the Planning Department (PlanD)’s views – For application No. A/NE-SSH/65, PlanD did not support the application based on the assessment in paragraph 12 of the Paper. The proposed Small House did not comply with the ‘Interim Criteria for Assessing Planning Applications for NTEH/Small Houses Development in the New Territories’ in that more than 50% of the footprint of the proposed Small House was outside both the village ‘environs’ and the “V” zone and the approval would set an undesirable precedent for other similar applications in the “G/IC” zone. For application No. A/NE-SSH/66, PlanD had no objection to the application based on the assessment in paragraph 12 of the Paper. The application complied with the ‘Interim Criteria for Assessing Planning Applications for NTEH/Small Houses Development in the New Territories’ in that over 50% of the footprint of the proposed Small House fell within the “V” zone, and there was a general shortage of land in meeting the demand for Small House development in the “V” zone. Concerned Government departments also had no objection/adverse comment on the application.

45. Members had no question on the application.

Deliberation Session

46. Noting the similar context of the applications, the Chairperson asked Members' views on the Application No. A/NE-SSH/65 where the footprint of the Small House had slightly exceeded the criteria of 50% outside the "V" zone. Mr. Simon Yu said that Lands Department would follow strictly the 50% rule which was a clear guidance in processing Small Houses cases. A Member said that the 50% rule should be followed to avoid setting undesirable precedent case. Members generally agreed that the criteria that 'development of NTEH/Small House with more than 50% of the footprint outside both the 'VE' and the "V" zone would normally not be approved unless under very exceptional circumstances' should be adhered to. The Chairperson asked DPO/STN to advise the applicant to consider adjusting the footprint of the Small House to align with the Interim Criteria.

47. After further deliberation, the Committee decided to reject the application No. A/NE-SSH/65 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 the New Territories' in that more than 50% of the footprint of the proposed Small House was outside both the village 'environs' and the "Village Type Development" zone of the recognized village; and
- (b) the approval of the application would set an undesirable precedent for other similar applications in the "Government, Institution or Community" ("G/IC") zone. The cumulative impacts of approving such applications would result in the encroachment of "G/IC" zone and jeopardize the provision of "G/IC" facilities in the district on a long-term basis.

48. After further deliberation, the Committee decided to approve the application No. A/NE-SSH/66, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 18.9.2013, 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 provision of drainage facilities to the satisfaction of the Director of Drainage Services 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; and
- (c) the submission and implementation of landscape proposal to the satisfaction of the Director of Planning or of the TPB.

49. The Committee also agreed to advise the applicant that :

- (a) the applicant should note that public sewerage system at Sai Keng was planned to be implemented under the project “Tolo Harbour Sewerage of Unsewered Area, Stage II”. The project was at its investigation and design stage and was tentatively scheduled to start in phases commencing in 2010 for staged completion in 2015. Upon completion of the public sewerage system at Sai Keng, Environmental Protection Department (EPD) might require the owner to make proper sewer connection from the premises to the public sewer at the owner’s own cost;
- (b) there were no existing Drainage Services Department maintained public stormwater drains available for connection in the area. The proposed development should have its own stormwater collection and discharge system to cater for the runoff generated within the subject site as well as overland flow from the surrounding areas. The applicant was required to maintain such systems properly and rectify the systems if they were found to be inadequate or ineffective during operation. The applicant should also be liable for and should indemnify claims and demands arising out of damage or nuisance caused by a failure of the systems;
- (c) public sewerage connection was currently not available for the application site. EPD should be consulted regarding the sewage treatment/disposal aspects of the development and the provision of septic tank;

- (d) for provision of water supply to the proposed development, the applicant might need to extend his inside services to the nearest suitable Government water mains for connection. The applicant should resolve any land matter (such as private lots) associated with the provision of water supply and should be responsible for the construction, operation and maintenance of the inside services within the private lots to Water Supplies Department's standards;
- (e) the water mains in the vicinity of the site could not provide the standard fire-fighting flow;
- (f) detailed fire safety requirements would be formulated upon receipt of formal application referred by Lands Department; and
- (g) the applicant should approach the electricity supplier for the requisition of cable plans to find out whether there was any underground cable (and/or overhead line) within or in the vicinity of the application site. Based on the cable plans obtained, if there was underground cable (and/or overhead line) within or in the vicinity of the application site, the applicant should carry out the following measures:
 - (i) for application site within the preferred working corridor of high voltage overhead lines at transmission voltage level 132 kV and above as stipulated in the Hong Kong Planning Standards and Guidelines published by the Planning Department, prior consultation and arrangement with the electricity supplier was necessary;
 - (ii) prior to establishing any structure within the application site, the applicant and/or his contractors should liaise with the electricity supplier and, if necessary, ask the electricity supplier to divert the underground cable (and/or overhead line) away from the vicinity of the proposed structure; and

- (iii) the “Code of Practice on Working near Electricity Supply Lines” established under the Electricity Supply Lines (Protection) Regulation should be observed by the applicant and his contractors when carrying out works in the vicinity of the electricity supply lines.

Agenda Items 16 to 19

Section 16 Applications

[Open Meeting]

A/TP/431 Proposed House (New Territories Exempted House - Small House) in “Village Type Development” and “Green Belt” zones, Lots 836 S.A ss.1D & 838 S.C ss.1A in DD 26, Wong Yue Tan, Tai Po
(RNTPC Paper No. A/TP/431)

A/TP/432 Proposed House (New Territories Exempted House - Small House) in “Village Type Development” and “Green Belt” zones, Lots 836 S.A ss.1C & 836 S.B ss.1RP in DD 26, Wong Yue Tan, Tai Po
(RNTPC Paper No. A/TP/432)

A/TP/433 Proposed House (New Territories Exempted House - Small House) in “Village Type Development” and “Green Belt” zones, Lot 836 S.B ss.1D in DD 26, Wong Yue Tan, Tai Po
(RNTPC Paper No. A/TP/433)

A/TP/434 Proposed House (New Territories Exempted House - Small House) in “Village Type Development” and “Green Belt” zones, Lot 836 S.B ss.1C in DD 26, Wong Yue Tan, Tai Po
(RNTPC Paper No. A/TP/434)

Presentation and Question Sessions

50. The Committee noted that the applicants' representative on 26.8.2009 requested for deferment of the consideration of the applications in order to allow time for the applicant to consult Drainage Services Department.

Deliberation Session

51. After deliberation, the Committee decided to defer a decision on the applications as requested by the applicants pending the submission of additional information from the applicants. The Committee also agreed that the applications 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 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 Items 20 and 21

Section 16 Applications

[Open Meeting (Presentation and Question Sessions Only)]

A/TP/435 Proposed House (New Territories Exempted House - Small House)
in "Green Belt" zone,
Government Land in D.D. 20, Ta Tit Yan Village, Tai Po
(RNTPC Paper No. A/TP/435)

A/TP/436 Proposed House (New Territories Exempted House - Small House)
in "Green Belt" zone,
Government Land in D.D. 20, Ta Tit Yan Village, Tai Po
(RNTPC Paper No. A/TP/436)

52. Noting that the two applications were similar in nature and the application sites were close to each other and within the same "Green Belt" ("GB") zone, Members agreed that the applications could be considered together.

Presentation and Question Sessions

53. Ms. Jessica K.T. Lee, STP/STN, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) two proposed houses (New Territories Exempted House (NTEH)- Small House) highlighting that both applications were within “GB” zones although they fell within the village ‘environs’ (‘VE’) of Ta Tit Yan Village;
- (c) departmental comments –Chief Engineer/Development(2), Water Supplies Department (CE/Dev(2), WSD) objected to the applications as the application sites were located within the upper indirect water gathering grounds (WGGs) and were not covered by any village sewerage schemes. Director of Environmental Protection (DEP) did not support the applications as the discharge from the proposed houses would potentially cause water pollution. Chief Town Planner, Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had reservations on the applications from landscape planning point of view as the area was largely undeveloped with extensive vegetation, enclosed and tranquil. Approval of the application might caused precedent effects and lead to urban sprawl beyond the current “Village Type Development” (“V”) zone and potentially disturb the existing landscape pattern in the area. Assistant Commissioner for Transport/new Territories, Transport Department (AC for T/NT, TD) had reservation on the applications and considered that NTEH development should be confined within the “V” zone as far as possible where traffic and transport facilities had been planned and provided. District Lands Officer/Tai Po, Lands Department (DLO/TP, LandsD) did not support application No. A/TP/435 as the site fell within the permitted burial grounds No. TP/S6 for Ta Tit Yan Village.
- (d) 1 public comment each objecting to the applications was received from the Kadoorie Farm & Botanic Garden Corporation during the statutory publication period. The grounds of objections included that the applications

were not in line with the planning intention of the “GB” zone; approval of the application would degrade the existing natural setting; Small House development should be restricted to the “V” zone rather than spreading to the “GB” zone; and approval of these application would set undesirable precedent for similar applications. No local objection/view was received by the District Officer (Tai Po); and

- (e) the Planning Department (PlanD)’s views – PlanD did not support the applications based on the assessments in paragraphs 12 of the Papers. The proposed houses were not in line with the planning intention of the “GB” zone which was to define the limits of urban development areas by natural physical features so as to contain urban sprawl and to provide passive recreational outlets. There was a general presumption against development within the “GB” zone. The proposed developments did not comply with ‘Interim Criteria for Assessing Planning Applications for NTEH/Small Houses Development in the New Territories’ as the sites fell within the upper indirect WGGs and they were not able to be connected to the existing or planned sewerage system in the area. There were also adverse comments on the applications from Government departments including CE/Dev(2), WSD, DEP, CTP/UD&L, PlanD, AC for T/NT, TD and DLO/TP, LandsD (application No. A/TP/435 only) from water quality, landscape, traffic and lands management aspects respectively and one public objection.

54. In response to the Chairperson enquiry on the previously rejected application submitted by the applicants, Mr. W.K. Hui responded that the application concerned was application No. A/TP/410 for 2 Small Houses which was rejected by the Committee on 19.9.2008 mainly on the grounds that the proposed Small Houses were not in line with the planning intention of “GB” zone, and the proposed developments within WGGs might have adverse impact on water quality in the area.

Deliberation Session

55. After further deliberation, the Committee decided to reject the application No. A/TP/435 and the reasons were :

- (a) the proposed New Territories Exempted House (NTEH)/Small House was not in line with the planning intention of the “Green Belt” (“GB”) zoning for the area which was to define the limits of urban development areas by natural physical features so as to contain urban sprawl and to provide passive recreational outlets. There was a general presumption against development within this zone. There was no justification in the submission for a departure from the planning intention;
- (b) the application site fell partly within the permitted burial grounds for the Ta Tit Yan village;
- (c) the proposed development did not comply with ‘Interim Criteria for Assessing Planning Applications for NTEH/Small Houses Development in the New Territories’ as the proposed site for the NTEH/Small House development fell within the upper indirect Water Gathering Grounds (WGGs) and it was not able to be connected to existing or planned sewerage system in the area. There was no 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
- (d) the approval of the application would set an undesirable precedent for similar applications within the “GB” zone. The cumulative effect of approving such applications would encourage urban sprawl into the tranquil valley and result in adverse traffic impact and a general degradation of the natural environment in the area.

56. After further deliberation, the Committee decided to reject the application No. A/TP/436 and the reasons were :

- (a) the proposed New Territories Exempted House (NTEH)/Small House was not in line with the planning intention of the “Green Belt” (“GB”) zoning for the area which was to define the limits of urban development areas by natural physical features so as to contain urban sprawl and to provide

passive recreational outlets. There was a general presumption against development within this zone. There was no justification in the submission for a departure from the planning intention;

- (b) the proposed development did not comply with ‘Interim Criteria for Assessing Planning Applications for NTEH/Small Houses Development in the New Territories’ as the proposed site for the NTEH/Small House development fell within the upper indirect Water Gathering Grounds (WGGs) and it was not able to be connected to existing or planned sewerage system in the area. There was no 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
- (c) the approval of the application would set an undesirable precedent for similar applications within the “GB” zone. The cumulative effect of approving such applications would encourage urban sprawl into the tranquil valley and result in adverse traffic impact and a general degradation of the natural environment in the area.

[The Chairperson thanked Mr. W.K. Hui, DPO/STN, Ms. Stephanie P.H. Lai and Ms. Jessica K.T. Lee, STPs/STN, for their attendance to answer Members’ enquires. Mr. Hui, Ms. Lai and Ms. Lee left the meeting at this point.]

Tuen Mun and Yuen Long District

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

[Professor David Dudgeon and Mr. B.W. Chan left the meeting temporarily.]

Agenda Item 22

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/TM/376 Proposed Comprehensive Residential Development (with Minor Relaxation of the Site Coverage Restrictions (Podium Only) from 25% to below 40% and Minor Relaxation of Building Height Restriction (Podium Only) from 10 Storeys above Carpark to 10 Storeys above a 3-storey Podium for Landscaped and Recreational Facilities, Carpark with E/M and Other Ancillary Facilities) in “Comprehensive Development Area” zone, Lots 398 RP, 406 RP, 407, 408 RP, 409, 410 RP, 411 RP, 412 S.B, 412 RP, 413, 442 RP, 443 RP, 444, 445 S.A, 445 RP, 446 S.A, 446 RP, 447, 448, 449, 450, 451, 453 (Part), 454, 455, 456, 457, 458, 459 (Part), 462 (Part), 464 RP and 466 RP in DD 374 and Lots 248 RP, 249 S.A RP, 249 S.B, 250 RP, 251, 253 (Part) and 255 RP (Part) in DD 375 and Adjoining Government Land, So Kwun Wat, Tuen Mun (RNTPC Paper No. A/TM/376)

57. The Secretary reported that the application was submitted by a subsidiary of Sun Hung Kai Properties Ltd. (SHK). Messrs. Alfred Donald Yap and Y.K. Cheng, having current business dealings with SHK, had declared interests in this item. The Committee noted that Mr Cheng had tendered apologies for not attending the meeting while Mr. Yap had left the meeting temporarily.

Presentation and Question Sessions

58. Mr. C.C. Lau, STP/TMYL, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application highlighting that a similar application (No. A/TM/262) to the east of the current application site submitted by the same applicant was approved with conditions by the Committee on 2.2.2001. Under the application, the applicant applied for comprehensive residential development with a minor relaxation of building height restriction from

10 storeys above carports to 10 domestic storeys above a landscaped recreational podium/lobby and 2-storey carports as well as a relaxation of site coverage from a maximum of 25% to 40% for the podium. In the subsequent approved amendment schemes (Application Nos. A/TM/314, 323, 331 and 331-1), the basic development parameters remained the same as the first approved scheme;

- (b) proposed comprehensive residential development (with minor relaxation of the site coverage restriction (podium only) from 25% to below 40% and minor relaxation of building height restriction (podium only) from 10 storeys above car park to 10 storeys above a 3-storey podium for landscaped and recreational facilities, carpark with E/M and other ancillary facilities);
- (c) departmental comments –Chief Town Planner/Urban Design and Landscape, Planning Department had no objection to the application from urban design and landscaping points of view. However, the applicant was advised to explore the possibilities of designing a varying building height profile. Other concerned Government departments had no objection/no comment on the application;

[Professor David Dudgeon and Mr. B.W. Chan returned to join the meeting at this point.]

- (d) during the 5 rounds of the statutory publication periods for the application and the subsequent further information, 7 public comments all objecting the application were received. The grounds of objections included wall effect, adverse ‘Fung Shui’ and traffic impacts. One of the comments with 26 signatures from local villagers raised concerns that the proposed development would deprive them from the use of an existing vehicular access along the eastern side within the application site which was constructed by the Government. District Officer (Tuen Mun) advised that the access concerned (along the eastern boundary of the site) had been used by the residents of Ngau Kok Lung as an access/EVA and was not constructed nor maintained by his office; and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessment in paragraph 10 of the Paper. The proposed residential development was in line with the planning intention of the “Comprehensive Development Area” zone. The relaxation of site coverage was intended for landscaping or recreational areas to be designed at various levels of the podium for the enjoyment of the residents and visitors. While the site level of the application site was lower than Tuen Mun Road, the relaxation in podium height would not have significant adverse visual impacts to the locality. Government departments consulted had no objection to the proposed relaxation of podium site coverage and building height. Regarding the concerns on the blocking of the access to the nearby village, it should be a land matter to be resolved among the applicant, District Lands Officer/Tuen Mun, Lands Department and the villagers.

59. Noting LandsD's comment in paragraph 8.1.1 of the Paper relating to the large amount of Government land (about 25.4%) within the application site, the Chairperson asked if the scheme could be implemented under the current land exchange policy. Mr. Simon Yu explained that there was no guarantee that Government would grant the concerned Government land to the applicant. For the part of the Government land which was resumed previously for a road project, the original land owner would have the right to acquire the concerned piece of land when it was no longer required for that purpose.,.

60. The Chairperson asked whether there were sufficient justifications provided by the applicant as the proposed relaxation of podium site coverage from 25% to 40% was quite substantial taking into account the rural setting of the application site. Mr. C.C. Lau responded that the proposed podium would allow larger area for recreational facilities serving the residents including the proposed green lawn/garden and swimming pool at the 2/F.

[Mr. Rock C.N. Chen left the meeting temporarily.]

Deliberation Session

61. Referring to paragraph 10.4 of the Paper which pointed out that detailed podium

floor layouts had not been provided by the applicant, the Chairperson raised concern on the need for a large podium which included ample internal floor space. The Secretary pointed out that DPO/TMYL had doubt on the floor space required. She asked the Committee to consider deferring the application so that the applicant could be asked to clarify the need for the large podium.

62. The Chairperson also queried whether the scheme could be implemented given that there was no guarantee that Government would grant the Government land within the application site to the applicant. The exclusion of the concerned Government land would result in an extent larger than the proposed site coverage relaxation under consideration and would result in a scheme with a GFA exceeding the plot ratio restriction under the OZP. Mr. Simon Yu explained that the consideration of land exchange would have to take into account whether planning permission was granted. The Chairperson said that the applicant should provide further clarifications and justifications on the need for the proposed site coverage relaxation and the associated land matters.

63. A Member agreed that it was prudent for the Committee to defer the consideration of the application pending further information from the applicant as the extent of relaxation of site coverage was not minor.

64. After deliberation, the Committee decided to defer a decision on the application pending the submission of further information from the applicant to address the concerns of the Committee.

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

Agenda Item 23

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/TM-LTY Y/189 Temporary Vehicle Repair Workshop for a Period of 3 Years
in “Green Belt” zone,
Lot 2440RP (Part), 2429(Part), 2431RP (Part) and
Adjoining Government Land in DD 130, Lam Tei, Tuen Mun
(RNTPC Paper No. A/TM-LTY Y/189)

Presentation and Question Sessions

65. Mr. C.C. Lau, STP/TMYL, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application highlighting that the application site was involved in a previous application No. A/TM-LTY Y/11 for temporary open storage of container tractor and trailers and a vehicle repair workshop for a period of 12 months submitted by the same applicant at a larger site including the subject application site and was rejected by the Committee on 19.9.1997. The application site was currently used for vehicle workshop including a paint-spraying workshop without valid planning permission.;
- (b) temporary vehicle repair workshop for a period of 3 years;
- (c) departmental comments –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. Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) objected to the application from the landscape planning point of view as approval of the application would encourage encroachment of non-conforming use onto the “Green Belt” (“GB”) zone resulting in further degradation of existing landscape amenity and landscape resources in the area despite the fact that some of the lands within the green belt had been disturbed by open storage yards, workshops, or other rural industrial uses.

Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) commented that the applicant should demonstrate that the proposed use of the site would not have adverse drainage impacts to the area;

- (d) one public comment was received during the statutory publication period from the Office of the Hon. Albert Ho Chun-Yan, Legislative Council Member and Tuen Mun District Council Member (the commenter). The commenter stated that the applicant had operated a vehicle repair workshop at lots 2429RP, 2431RP and 2440RP in D.D. 130 since 1992. Owing to the construction of Route 10, the Lands Department and the applicant reached a consensus in 2002 by which she was allowed to continue the operation of the workshop on the adjacent land (i.e. lots 2431Rp and 2440Rp in D.D. 130). The applicant also agreed not to pursue with the application for ex-gratia allowance. As the applicant had been operating the workshop on the site for years, and the Lands Department had agreed to the operation of a vehicle repair workshop at lots 2431RP and 2440RP in DD 130, the commenter hoped the planning application be approved so that the business could be continued. No local objection/view was received by the District Officer (Tuen Mun); and
- (e) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessment in paragraph 12 of the Paper. The current application did not comply with the Town Planning Board Guidelines No.10 for 'Application for Development within Green Belt Zone'. The development was not in line with the planning intention of the "GB" zone and there was a general presumption against development within this zone. No strong planning justification had been given in the submission for a departure from such planning intention, even on a temporary basis. The development was not compatible with the green features and the landscape character of the subject "GB" zone. In this regard, CTP/UD&L of PlanD objected to the application from the landscape planning point of view. The development was also not compatible with the surrounding areas from the environmental perspective. Residential dwellings were located in the close vicinity of the site and

hence DEP did not support the application. There was no information in the submission to demonstrate that the applied use would not create adverse drainage impact on the surrounding areas. CE/MN, DSD had requested the applicant to submit and implement drainage proposals to his satisfaction. Regarding the commenter stated that the applicant reached consensus with the staff of Lands Department in 2002 to relocate her operation to the current site, Lands Department and Highways Department indicated that there was no such record of the agreement as claimed by the applicant. Irrespective of whether such agreement was made in 2002, there was no strong planning justification for the vehicle repair workshop and vehicle paint-spraying under the current application within “GB” zone.

66. A Member asked what would be the long-term status of the site which was subject to enforcement action currently should the subject application be disapproved. Mr. C.C. Lau responded that if the applicant was convicted under the planning enforcement action, he would be requested to reinstate the subject site.

Deliberation Session

67. After further 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 “Green Belt” (“GB”) zone. There was a general presumption against development within this zone. No strong planning justification had been given in the submission for a departure from the planning intention of the “GB” zone, even on a temporary basis;
- (b) the development was not compatible with the surrounding green landscape and the residential dwellings in the close vicinity;
- (c) there was no information in the submission to demonstrate that the development would not generate adverse environmental, landscape and drainage impacts on the surrounding areas; and

- (d) the approval of the application would set an undesirable precedent for similar applications within these zones. The cumulative impact of approving such applications would result in general degradation of the environment.

[Mr. Timothy Ma left the meeting temporarily.]

Agenda Item 24

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-PS/307 Temporary Vehicle Park for Private Car and Light Goods Vehicles
for a Period of 3 Years
in “Village Type Development” and “Undetermined” zones,
Lots 390(part), 403RP(part) and 404(part) in D.D. 122 and
Adjoining Government Land, Sheung Cheung Wai,
Ping Shan, Yuen Long
(RNTPC Paper No. A/YL-PS/307)

Presentation and Question Sessions

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

- (a) background to the application highlighting that the site was currently used for the applied use under the previous application No. A/YL-PS/301 approved by the Committee on 17.4.2009. The subject application was a technical amendment to the previously approved scheme to exclude a 2-storey permanent structure near the western edge for site office and guardroom purposes as the owner of the house refused to rent the house to the applicant;
- (b) proposed temporary vehicle park for private cars and light goods vehicles for a period of 3 years;

- (c) departmental comments –District Lands Officer/Yuen Long had no objection to the application and advised that there was no Small House application/development at the site. Director of Environmental Protection (DEP) advised that no environmental complaint regarding the site was received in the past 3 years. Chief Town Planner/Urban Design and Landscape, PlanD (CTP/UD&L, PlanD) had no objection from the landscape planning perspective as there were similar development in the adjacent environment and significant landscape impact was not anticipated. As subject site fell within the Sheung Cheung Wai Archaeological Site, Antiquities and Monuments Office, Leisure and Cultural Services Department advised that no ground excavation should be undertaken at the site without prior written approval of his office. Other concerned Government departments had no objection/adverse comment;
- (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 Planning Department (PlanD)'s views – PlanD considered that the proposed temporary vehicle park could be tolerated based on the assessment in paragraph 11 of the Paper. The application was a technical amendment to the previously approved application No. A/YL-PS/301 to exclude an existing 2-storey house with a total floor area of about 120m² near the western edge and the parking layout, number of parking spaces, and location of the ingress/egress remained the same as the previously approved application. The development was not incompatible with the surrounding land uses which were predominantly low-rise residential in character, mixed with a few temporary vehicle parks. Concerned Government departments including DEP, Chief Engineer/Mainland North, Drainage Services Department and CTP/UD&L, PlanD had no objection. There was no change in planning circumstances since last approval. If the Committee decides to approve the application, it was recommended that the approval period should follow Application No. A/YL-PS/301 i.e. until

17.4.2012. Shorter compliance periods for approval conditions were given to Application No. A/YL-PS/301 due to revocation of previous approval under Application No. A/YL-PS/259. Therefore, shorter compliance periods for approval conditions were also proposed should the Committee decide to approve the current application.

69. Members had no question on the application.

Deliberation Session

70. After deliberation, the Committee decided to approve the application on a temporary basis until 17.4.2012, 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 11:00 p.m. and 7:00 a.m., as proposed by the applicant, was allowed on the site during the planning approval period;
- (b) no goods vehicles exceeding 5.5 tonnes, coaches, container vehicles, container tractors and trailers were allowed to be parked on the site at any time during the planning approval period;
- (c) no vehicles without valid licences issued under the Road Traffic Ordinance were allowed to be parked/stored on site at any time during the planning approval period;
- (d) the existing drainage facilities implemented under Application No. A/YL-PS/301 should be maintained at all times during the planning approval period;
- (e) the submission of the condition record of the existing drainage facilities on-site within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 18.12.2009;

- (f) the submission of a tree preservation and landscape proposal within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 18.12.2009;
- (g) in relation to (f) above, the implementation of the tree preservation and landscape proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 18.3.2010;
- (h) the submission of fire service installations proposals with a 9-litre water type/3 kg dry powder fire extinguisher clearly indicated on plans within 3 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 18.12.2009;
- (i) in relation to (h) 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 18.3.2010;
- (j) if any of the above planning conditions (a), (b), (c) or (d) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (k) if any of the above planning conditions (e), (f), (g), (h) or (i) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and
- (l) upon the expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the TPB.

71. The Committee also agreed to advise the applicant :

- (a) that the approval period would follow Application No. A/YL-PS/301, i.e.

until 17.4.2012. Shorter compliance periods were imposed to monitor the fulfillment of approval conditions and should the applicant fail to comply with the approval conditions resulting in the revocation of the planning permission, sympathetic consideration might not be given by the Committee to any further application;

- (b) to resolve any land issues relating to the development with the concerned owner(s) of the application site;
- (c) to note District Lands Officer/Yuen Long's comments that the applicant should be reminded to apply for Short Term Tenancy (STT)/Short Term Waiver (STW) to regularise the irregularities on-site. Should no STT/STW application be received/approved and the irregularities persisted on-site, his office would consider taking appropriate land control/lease enforcement action against the occupier/registered owner. The site was accessible through an informal village track on Government Land/other private land. His office did not provide maintenance works to the track nor guarantee right-of-way;
- (d) 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;
- (e) to note Assistant Commissioner for Transport/New Territories, Transport Department's comment that the land status of the road/path/track leading to the site from a public road should be checked with the lands authority. The management responsibilities of the same road/path/track should be clarified with the relevant lands and maintenance authorities accordingly;
- (f) to note Chief Highway Engineer/New Territories West, Highways Department's (HyD) comment that HyD should not be responsible for the maintenance of any access connecting the site to Ping Ha Road;

- (g) note Chief Town Planner/Urban Design and Landscape, Planning Department's comment that according to his record, there were a number of existing landscape trees missing on-site. The applicant should compensate for the missing trees;

- (h) note Director of Fire Services' comments that relevant layout plans incorporated with the proposed fire service installations (FSI) should be submitted for his approval. The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy. The location of where the proposed FSI to be installed should be clearly marked on the layout plans;

- (i) note Chief Building Surveyor/New Territories West, Buildings Department's comments on the removal of unauthorised 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 unauthorised structures existing on the site under the BO and the allied regulations. Actions appropriate under the said Ordinance or other enactment might be taken if contravention was found. Formal submission of any proposed new works, including any temporary structure for approval under the BO was required; and

- (j) note Antiquities and Monuments Office, Leisure and Cultural Services Department's comment that the subject site fell within the Sheung Cheung Wai Archaeological Site, no land excavation should be undertaken at the site without their prior written approval.

Agenda Item 25

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-PS/308 Temporary Storage of Containers and Container Vehicles with Ancillary Repair Workshop for a Period of 3 Years in “Residential (Group B) 1” zone, Lots 131(part), 132RP(part) and 135RP (part) in D.D. 121, Tong Fong Tsuen, Ping Shan, Yuen Long
(RNTPC Paper No. A/YL-PS/308)

Presentation and Question Sessions

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

- (a) background to the application highlighting that the site (in part or in whole) was the subject of three previous applications (No. A/YL-PS/7, 92 and 114) for container park and open storage uses. All of them were rejected by the Committee. The site was currently being used for a vehicle repair workshop without valid planning permission.;
- (b) proposed temporary storage of containers and container vehicles with ancillary repair workshop for a period of 3 years;

[Mr. C.W. Tse left the meeting temporarily at this point.]

- (c) departmental comments –Director of Environmental Protection 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. Other Government departments had no objection/comment;
- (d) two public comments were received during the statutory publication period. The probate administrator for the owner of Lot 132RP, clarified that the application for a change of use was without the owner’s consent. A

member of the Yuen Long District Council objected to the application as the noise and dusts caused by the applied use would cause serious nuisances to the residents nearby. No local objection/view was received by the District Officer (Yuen Long); and

- (e) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessment in paragraph 12 of the Paper. The site fell within Category 4 areas under the Town Planning Guidelines No. 13E which stated that applications within Category 4 areas would normally be rejected except under exceptional circumstances. The proposed temporary storage of containers and container vehicles with ancillary repair workshop was not in line with the planning intention of the “Residential (Group B) 1” zone which was primarily for sub-urban medium-density residential developments in rural areas. Moreover, the development was considered incompatible with the planned and existing land uses in the vicinity. Although there were open storage yards, warehouses and workshops in the surrounding area, most of them were suspected unauthorised developments subject to enforcement action by the Planning Authority.

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

73. Members had no question on the application.

Deliberation Session

74. 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 “Residential (Group B) 1” (“R(B)1”) zone which was intended primarily for sub-urban medium-density residential developments;
- (b) the proposed development was not compatible with the nearby residential land uses and no information had been given to demonstrate that the

development would not have adverse environmental impact on the surrounding areas;

- (c) approval of the application would set an undesirable precedent for other similar uses to proliferate in the “R(B)1” zone. The cumulative effect of approving such applications would result in a general degradation of the environment of the area; and
- (d) the proposed development did not comply with the Town Planning Board Guidelines TPB PG-No. 13E for “Application for Open Storage and Port Back-up Uses” and there were no exceptional circumstances demonstrated in the application to merit approval.

[Mr. Y. M. Lee left the meeting temporarily.]

Agenda Item 26

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-ST/372 Proposed School Library
 in “Village Type Development” zone,
 Lots 125S.C ss.1, 125S.C RP, 126 and 127 (Part) in D.D. 102,
 San Tin, Yuen Long
 (RNTPC Paper No. A/YL-ST/372)

Presentation and Question Sessions

75. 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) a school library within the compound of the existing Tun Yu School, a village school within San Tin Heung;

- (c) departmental comments –Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had no in-principle objection to the application from the urban design point of view as the scale of the proposed school library was small and significant visual impact arising from the proposed structure was unlikely. Moreover, the nature of the development was not incompatible with the existing landscape environment and no trimming of existing trees would be involved and hence there was no objection to the application from the landscape planning perspective. Director of Environmental Protection (DEP) had no objection to the application noting that the proposed library would be provided with air conditioning and screened from the Castle Peak Road by lavatories. Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) had no objection to the application but the applicant was required to submit a drainage proposal for approval prior to the implementation of drainage works on-site. Director of Fire Services (DFS) had no in-principle objection to the application subject to the water supply for fire fighting and fire service installations being provided to the satisfaction of DFS. Other Government departments had no objection/adverse comment;

- (d) no public comment was received during the statutory publication period and no local objection/view was received by the District Officer; and

- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on paragraph 12 of the Paper. The proposed one-storey small scale school library was considered not incompatible with the surrounding areas which were predominantly village type developments. The proposed school library would unlikely cause any significant traffic, visual, environmental and ecological impacts on the surrounding areas. The technical concerns of CE/MN, DSD, CTP/UD&L, PlanD and DFS could be addressed by imposition of approval conditions. According to the Town Planning Board Guidelines No. 12B for “Application for Developments within Deep Bay Area”, application for school other than free-standing buildings exceeding 3 storeys was exempted from the

requirement of an ecological impact assessment. Although the application site fell within the Wetland Buffer Area, the proposed library was within the existing school premises in the developed area within the “Village Type Development” (“V”) zone and Director of Agriculture, Fisheries and Conservation had no comment on the application;

76. In view of the permanent nature of the proposed school library, a Member asked if an rezoning application under section 12A of the Town Planning Ordinance to rezone the subject site to “Government, Institution or Community” zone was more appropriate. The Secretary responded that the “V” zone was a broadbrush zoning that might cover some small village schools. As the subject application was related to a library within an existing school, not the whole school, she suggested that the Committee could consider the subject planning application first and DPO/TMYL could review the zoning of the application site later when conducting a zoning review of the relevant Outline Zoning Plan.

Deliberation Session

77. After further 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 18.9.2013, 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 a drainage proposal to the satisfaction of the Director of Drainage Services or of the TPB;
- (b) the submission and implementation of a landscape and tree preservation proposal to the satisfaction of the Director of Planning or of the TPB;
- (c) the submission of the quarterly tree monitoring report to the satisfaction of the Director of Planning or of the TPB upon the commencement of site works and until the satisfactory implementation of the landscape and tree preservation proposal; and

- (d) the provision of the water supply for fire fighting and fire service installations to the satisfaction of the Director of Fire Services or of the TPB.

78. The Committee also agreed to advise the applicant :

- (a) to resolve any land issue relating to the development with the concerned owner(s) of the application site;
- (b) to note District Lands Officer/Yuen Long, Lands Department's comments that the site was located on four 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. Should planning approval be granted, the registered owner of Lot 126 in D.D. 102 should apply for modification of the existing conditions of Short Term Waiver No. 3363 to regularize the irregularities on-site. Should no application be received/approved and the irregularities persisted on-site, his Office would consider taking appropriate lease enforcement action against the registered owner according to the prevailing programme of his Office in this regard;
- (c) to note Chief Engineer/Mainland North, Drainage Services Department's detailed comments were indicated in Appendix III in the RNTPC paper;
- (d) to note Chief Building Surveyor/New Territories West, Buildings Department's comments that provision of emergency vehicular access (EVA) under Building (Planning) Regulation (B(P)R) 41D should be demonstrated; and detailed comments would be given at building plan submission stage;
- (e) to note Director of Fire Services' comments that detailed fire safety requirements would be formulated upon receipt of formal submission of general building plans; and the EVA provision in site should comply with the standard as stipulated in Part VI of the Code of Practice for Means of Access for Firefighting and Rescue under the B(P)R 41D; and

- (f) to note Director of Electrical and Mechanical Services' comments that the applicant should approach the electricity supplier for the requisition of cable plans to find out whether there was any underground cable (and/or overhead line) within or in the vicinity of the site. Based on the cable plans obtained, if there was underground cable (and/or overhead line) within or in the vicinity of the application site, the applicant should carry out the measures as prescribed in Appendix IV in the RNTPC paper.

Agenda Item 27

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-ST/373 Renewal of Planning Approval for Temporary Container
Tractor/Trailer Park with Vehicle Repair Areas and Canteen under
Application No. A/YL-ST/318 for a Period of 3 Years
in "Residential (Group D)" zone,
Lots 149 RP, 150 RP, 151, 152 RP, 153 RP, 154, 155 (Part), 156 S.B
RP (Part), 162 RP (Part), 164 RP (Part) and 375 RP (Part) in D.D. 105
and Adjoining Government Land, San Tin, Yuen Long
(RNTPC Paper No. A/YL-ST/373)

Presentation and Question Sessions

79. Ms S. H. Lam, STP/TMYL, reported that a letter dated 18.9.2009 was received from Arthur AU & Co., the representative of the application site's owner and was tabled in the meeting. The letter indicated that the owner of the application site did not support the application as the rental agreement of the site had not been settled.

[Mr. C.W. Tse returned to join the meeting at this point.]

80. Ms. S.H. Lam then presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application highlighting that the site was the subject of six previously approved applications. For the last planning permission granted under Application No. A/YL-ST/318, all previous approval conditions had been complied with during the planning approval period;
- (b) renewal of planning approval for temporary container tractor/trailer park with vehicle repair areas and canteen under Application No. A/YL-ST/318 for a period of 3 years to be expired on 29.9.2009;
- (c) departmental comments –District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD) had no objection to the application in view of the applicant’s undertaking to follow up the four Short Term Waivers (STWs) applications to regularize the irregularities on-site. Director of Environmental Protection did not support the application because there were sensitive receivers in the vicinity of the site and environmental nuisance was expected. However, no pollution complaint against the site was recorded since 2006. Other Government departments had no objection/adverse comment;
- (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 Planning Department (PlanD)’s views – PlanD considered that the temporary container tractor/trailer park with vehicle repair areas and canteen could be tolerated for a period of 3 years based on the assessment in paragraph 12 of the Paper. The application was considered in line with the Town Planning Board Guidelines No. 13E in that there were previous approvals, there was no local objection, and there were no major adverse departmental comments on/objection to the application or their comments could be addressed through the implementation of approval conditions. The applied use was not incompatible with the surrounding land uses, which included open storage yards of containers/tyres and recyclable metal, vehicle parks (including container vehicle parks) and vehicle repair

workshops. The approval of the application on a temporary basis for a period of 3 years would not frustrate the long-term planning intention of the “Residential (Group (D))” zone as there was no immediate development proposal for this part of the zone. To mitigate any potential environmental impacts, approval conditions restricting the operation hours and prohibiting operation on Sundays and public holidays as proposed by the applicant had been recommended. With regard to DLO/YL, LandsD’s concern on the concerned owners’ failure to accept his offers of STW to regularize the irregularities on-site, the applicant undertook to follow up with the STW and Short Term Tenancy (STT) applications.

81. Members had no question on the application.

Deliberation Session

82. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 18.9.2012, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) diversion of existing water mains at the northern part of the site or provision of a 3m-wide Waterworks Reserve measuring 1.5m from the centerline of the water mains at all times during the planning approval period to the satisfaction of Director of Water Supplies or of the TPB;
- (b) no vehicles without valid licences issued under the Road Traffic Ordinance were allowed to be parked/stored on the site during the planning approval period;
- (c) no night-time operation between 7:00 p.m. and 7:00 a.m., as proposed by the applicant, was allowed on the site during the planning approval period;
- (d) no operation on Sundays and public holidays, as proposed by the applicant, was allowed on the site during the planning approval period;

- (e) the drainage facilities on the site should be maintained at all times during the planning approval period;
- (f) the submission of an as-built drainage plan and photographic records of the existing drainage facilities within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 18.3.2010;
- (g) the submission of the landscape and tree preservation proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 18.3.2010;
- (h) in relation to (g) above, the implementation of the landscape and tree preservation proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 18.6.2010;
- (i) 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 18.3.2010;
- (j) in relation to (i) 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 18.6.2010;
- (k) if any of the above planning conditions (a), (b), (c), (d) or (e) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (l) if any of the above planning conditions (f), (g), (h), (i) or (j) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and

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

83. The Committee also agreed to advise the applicant :

- (a) to resolve any land issue relating to the development with the concerned owner(s) of the application site;
- (b) to note District Lands Officer/Yuen Long's (DLO/YL) comments that the site was located on several 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; there were unauthorized structures (including converted containers) on lots within the application site. Besides, the Government Land (GL) within the site was also occupied without approval from his Office. His Office reserved the right to take enforcement/control action against these irregularities, if indeed found in due course; a Licence No. MNT17019 had been issued to Lot 151 and 152 RP for some domestic and agricultural structures erected thereon. If these structures on the above lots were converted for other use, his Office would arrange to terminate the Licence as appropriate; four proposed Short Term Waivers (STWs) were offered to the respective registered owners of Lots 151, 154, 156 S.B RP and 164 RP in February 2004. However, none of the offers had eventually been accepted by the concerned owners. The applicant's undertaking to follow up with the necessary STW and Short Term Tenancy applications was noted, but he should clarify with DLO/YL the reasons for non-acceptance of the offer of STW in 2004; and the ingress/egress of the site opened to a piece of GL where his Office did not guarantee right-of-way nor provide maintenance service for the access on GL outside public road;
- (c) to follow the latest 'Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites' issued by the Environmental Protection Department to minimize potential environmental impacts on the

surrounding areas;

- (d) to note Drainage Services Department's detailed comments were indicated in Appendix VI of the RNTPC Paper;
- (e) to note the Chief Building Surveyor/New Territories West, Buildings Department's comments that the granting of the planning approval should not be construed as condoning to any unauthorized structures existing on the site under the Buildings Ordinance (BO) and the allied regulations. Actions appropriate under the said Ordinance or other enactment might be taken if contravention was found. Formal submission of any proposed new works, including any temporary structure for approval under the BO was required. If the site did not abut a specified street having a width not less than 4.5m wide, the development intensity should be determined by the Building Authority under Building (Planning) Regulation 19(3) at building plan submission stage. Detailed comments on the proposal would be made at formal building plans submission stage;
- (f) to note the Director of Fire Services' comments that fire service installations (FSIs) were anticipated to be required in consideration of the design/nature of the proposed structures. Therefore, the applicant was advised to submit relevant layout plans incorporated with the proposed FSIs to his Department for approval. In formulating the FSIs proposal for the proposed structures, the applicant should observe the requirements as indicated in Appendix VII of the RNTPC Paper. The applicant should also note other advices of FSD in Appendix VII of the RNTPC Paper;
- (g) to note Chief Town Planner/Urban Design and Landscape, Planning Department's comments that the vehicles were parked within 1m of the existing trees which might cause damage to the tree trunks. The applicant was advised to park the vehicles at least 1m away from the trees. The applicant might install kerb or bollard to guard against damage to the trees;
- (h) to note Director of Food and Environmental Hygiene's advice that a proper

food licence issued by his Department was necessary if any food business was open to the public;

- (i) to note the Director of Electrical and Mechanical Services' comments that the applicant should approach the electricity supplier for the requisition of cable plans to find out whether there was any underground cable (and/or overhead line) within or in the vicinity of the site. Based on the cable plans obtained, if there was underground cable (and/or overhead line) within or in the vicinity of the application site, the applicant should carry out the measures as prescribed in Appendix VIII of the RNTPC Paper;
- (j) to note the Chief Engineer/Development (2), Water Supplies Department's advice that existing water mains would be affected (Plan A-2 of the RNTPC Paper). The applicant should bear the cost of any necessary diversion works affected by the proposed development. 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 authorize; and
- (k) to note the Project Manager (New Territories North and West), Civil Engineering and Development Department's comment that the site was in close proximity to the limit of the project no. 7259RS "Cycle Tracks Connecting North West New Territories with North East New Territories" (Plan A-2 of the RNTPC Paper). The site should not encroach onto the Project limit.

Agenda Item 28

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-ST/374 Renewal of Planning Approval for Temporary Parking of
Lorry Cranes for Sale with Ancillary Maintenance Workshop under
Application No. A/YL-ST/319 for a Period of 3 Years
in “Residential (Group D)” zone, Lots 155 (Part) and 157 in D.D. 105,
San Tin, Yuen Long
(RNTPC Paper No. A/YL-ST/374)

Presentation and Question Sessions

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

- (a) background to the application highlighting that the subject site involved five previously approved applications. The applied use of the current application was the same as the last two applications. For the last planning permission granted under Application No. A/YL-ST/319, all previous approval conditions had been complied with during the planning approval period;
- (b) renewal of planning approval for temporary parking of lorry cranes for sale with ancillary maintenance workshop under Application No. A/YL-ST/319 for a period of 3 years to be expired on 29.9.2009;
- (c) departmental comments –Director of Environmental Protection did not support the application because there were sensitive receivers in the vicinity of the site and environmental nuisance was expected. However, no pollution complaint against the site was recorded since 2006. District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD) no further objection to the planning application in view of the applicant’s undertaking to follow up the two Short Term Waivers (STWs) applications to regularize the irregularities on-site. Other concerned Government departments had no

objection/adverse comment;

- (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 Planning Department (PlanD)'s views – PlanD considered that the temporary parking of lorry cranes for sale with ancillary maintenance workshop could be tolerated for a period of 3 years based on the assessment in paragraph 12 of the Paper. The application was considered in line with the Town Planning Board Guidelines No. 13E in that there were previous approvals, there was no local objection, and there were no major adverse departmental comments on/objection to the application or their comments could be addressed through the implementation of approval conditions. The applied use was not incompatible with the surrounding land uses including open storage yards of containers/tyres and recyclable metal, vehicle parks (including container vehicle parks) and vehicle repair workshops. Besides, the approval of the application on a temporary basis for a period of 3 years would not frustrate the long-term planning intention of the “Residential (Group (D))” zone as there was no immediate development proposal for this part of the zone. To mitigate any potential environmental impacts, approval condition restricting the operation hours and prohibiting operation on Sundays and public holidays as proposed by the applicant had been recommended. With regard to DLO/YL's concern on the concerned owners' failure to accept his offers of STW to regularize the irregularities on-site, the applicant would request the registered land owners to make the necessary applications.

85. Members had no question on the application.

Deliberation Session

86. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 18.9.2012, on the terms of the application as

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

- (a) no night-time operation between 7:00 p.m. and 7:00 a.m., as proposed by the applicant, was allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, was allowed on the site during the planning approval period;
- (c) the drainage facilities on the site should be maintained at all times during the planning approval period;
- (d) the submission of an as-built drainage plan and photographic records of the existing drainage facilities within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 18.3.2010;
- (e) the submission of the landscape and tree preservation proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 18.3.2010;
- (f) in relation to (e) above, the implementation of the landscape and tree preservation proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 18.6.2010;
- (g) 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 18.3.2010;
- (h) in relation to (g) 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 18.6.2010;
- (i) if any of the above planning conditions (a), (b) or (c) was not complied with during the planning approval period, the approval hereby given should

cease to have effect and should be revoked immediately without further notice;

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

87. The Committee also agreed to advise the applicant :

- (a) to resolve any land issue relating to the development with the concerned owner(s) of the application site;
- (b) to note District Lands Officer/Yuen Long's comments that the site was located on two 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; according to the information submitted by the applicant, there were unauthorized structures (including converted containers) on lots within the application site without authorization of his Office. His Office reserved the right to take enforcement action against the irregularities, if indeed found in due course; the registered owners of the lots concerned had failed to accept his offers of Short Term Waivers (STWs) to regularize the irregularities on-site. However, the applicant's undertaking to request the registered owner to apply for a STW if structures were to be erected thereon was noted; and the ingress/egress of the site opened to a piece of Government Land (GL) where his Office did not guarantee right-of-way nor provide maintenance service for the access on GL outside public road;
- (c) to follow the latest 'Code of Practice on Handling Environmental Aspects

of Temporary Uses and Open Storage Sites' issued by Environmental Protection Department to minimize potential environmental impacts on the surrounding areas;

- (d) to note Drainage Services Department's detailed comments were indicated in Appendix VI of the RNTPC Paper;
- (e) to note Chief Town Planner/Urban Design and Landscape, Planning Department's comments that the materials and vehicles were stored and parked respectively within 1m of the existing trees which might cause damage to the tree trunks. The applicant was advised to park the vehicles and store the materials at least 1m away from the trees. The applicant might install kerb or bollard to guard against damage to the trees;
- (f) to note Chief Building Surveyor/New Territories West, Buildings Department's comments that the granting of the planning approval should not be construed as condoning to any unauthorized structures existing on the site under the Buildings Ordinance (BO) and the allied regulations. Actions appropriate under the said Ordinance or other enactment might be taken if contravention was found. Formal submission of any proposed new works, including any temporary structure for approval under the BO was required. If the site did not abut a specified street having a width not less than 4.5m wide, the development intensity should be determined by the Building Authority under Building (Planning) Regulation 19(3) at building plan submission stage. Detailed comments on the proposal would be made at formal building plans submission stage;
- (g) to note Director of Fire Services' (DFS) comments that fire service installations (FSIs) were anticipated to be required in consideration of the design/nature of the proposed structures. Therefore, the applicant was advised to submit relevant layout plans incorporated with the proposed FSIs to his Department for approval. In formulating the FSIs proposal for the proposed ancillary maintenance workshop and site office, the applicant should observe the requirements as indicated in Appendix VII of the

RNTPC Paper. The applicant should also note other advices of DFS in Appendix VII of the Paper; and

- (h) to note Director of Electrical and Mechanical Services' comments that the applicant should approach the electricity supplier for the requisition of cable plans to find out whether there was any underground cable (and/or overhead line) within or in the vicinity of the site. Based on the cable plans obtained, if there was underground cable (and/or overhead line) within or in the vicinity of the application site, the applicant should carry out the measures as prescribed in Appendix VIII of the RNTPC Paper.

Agenda Item 29

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-ST/375 Temporary Vehicle Park for Goods Vehicles and Container Vehicles and Tyre Repair Area with Ancillary Canteen and Site Office for a Period of 3 Years
in "Residential (Group D)" zone,
Lots 56 RP, 165 RP, 166 RP, 167 S.B RP in D.D. 105 and
Adjoining Government Land, San Tin, Yuen Long
(RNTPC Paper No. A/YL-ST/375)

Presentation and Question Sessions

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

- (a) background to the application highlighting that the site (in whole or in part) was the subject of four previous applications mainly for container vehicle park with ancillary repair area. The last Application No. A/YL-ST/309 submitted by the same applicant for the same use was approved by the Committee on 28.4.2006. All approval conditions had been complied with during the planning approval period and the planning permission lapsed on

28.4.2009.;

- (b) proposed temporary vehicle park for goods vehicles and container vehicles and tyre repair area with ancillary canteen and site office for a period of 3 years;
- (c) departmental comments –Director of Environmental Protection did not support the application because there were sensitive receivers in the vicinity of the site and environmental nuisance was expected. However, no pollution complaint against the site was recorded since 2006. Other Government departments had no objection/adverse comment;
- (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 Planning Department (PlanD)’s views – PlanD considered that the temporary vehicle park for goods vehicles and container vehicles and tyre repair area with ancillary canteen and site office could be tolerated for a period of 3 years based on the assessment in paragraph 12 of the Paper. The application was considered in line with the Town Planning Board Guidelines No. 13E in that there were previous approvals, there was no local objection, and there were no major adverse departmental comments on/objection to the application or their comments could be addressed through the implementation of approval conditions. The applied use was considered not incompatible with the surrounding land uses, which included open storage yards of vehicles for sale, retail shops for vehicle parts, vehicle parks (including container vehicle parks) and vehicle repair workshops. Besides, approval of the application on a temporary basis for a period of 3 years would not frustrate the long-term planning intention of the “Residential (Group (D))” zone as there was no immediate development proposal for this part of the zone. To mitigate any potential environmental impacts, approval conditions restricting the operation hours as proposed by the applicant had been recommended;

89. Members had no question on the application.

Deliberation Session

90. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 18.9.2012, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no vehicles without valid licences issued under the Road Traffic Ordinance were allowed to be parked/stored on the site during the planning approval period;
- (b) no night-time operation between 11:00 p.m. and 7:00 a.m., as proposed by the applicant, was allowed on the site during the planning approval period;
- (c) no operation between 6:00 p.m. and 11:00 a.m. on Sundays and public holidays, as proposed by the applicant, was allowed on the site during the planning approval period;
- (d) the landscape planting on the application site should be maintained in good condition at all times during the approval period;
- (e) the drainage facilities on the site should be maintained at all times during the planning approval period;
- (f) the submission of an as-built drainage plan and photographic records of the existing drainage facilities within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 18.3.2010;
- (g) the provision of a proper run-in within 6 months from the date of planning approval to the satisfaction of the Commissioner for Transport or of the TPB by 18.3.2010;

- (h) 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 18.3.2010;
- (i) in relation to (h) 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 18.6.2010;
- (j) if any of the above planning conditions (a), (b), (c), (d) or (e) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (k) if any of the above planning conditions (f), (g), (h) or (i) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and
- (l) upon the expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the TPB.

91. The Committee also agreed to advise the applicant :

- (a) planning permission should have been renewed before continuing 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) to note District Lands Officer/Yuen Long's comments that the site was located on 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; there were unauthorized structures

(including converted containers) on lots within the application site. Besides, the Government Land (GL) within the site was also occupied without approval from his Office. His Office reserved the right to take enforcement/control action against these irregularities, if indeed found in due course; should planning approval be given, his Office would process the said Short Term Waiver (STW) application to regularize the irregularities. The occupier of GL and the registered owners of Lots 165RP, 166RP and 167S.B RP in D.D. 105 should apply to his Office for a Short Term Tenancy (STT)/STW to regularize the irregularities on-site. Should no STW/STT application be received/approved and the irregularities persisted on-site, his Office would consider taking appropriate land control/lease enforcement action against the occupier/registered owner according to the prevailing programme of his Office in this regard; and the site was accessible by a short track that runs through land granted under GLA-TYL802 eventually leading to Shek Wu Wai Road. His Office did not guarantee right-of-way nor provide maintenance service for the access on GL outside public road;

- (d) to follow the latest 'Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites' issued by Environmental Protection Department to minimize potential environmental impacts on the surrounding areas;
- (e) to note Drainage Services Department's detailed comments which were indicated in Appendix V of the RNTPC Paper;
- (f) to note Chief Building Surveyor/New Territories West, Buildings Department's comments that the granting of the planning approval should not be construed as condoning to any unauthorized structures existing on the site under the Buildings Ordinance (BO) and the allied regulations. Actions appropriate under the said Ordinance or other enactment might be taken if contravention was found. Use of containers as office, storage, canteen, repairing workshop were considered as temporary building and were subject to control under Building (Planning) Regulations (B(P)R) Part

VII. Formal submission of any proposed new works, including any temporary structure for approval under the BO was required. If the site did not abut a specified street having a width not less than 4.5m wide, the development intensity should be determined by the Building Authority under B(P)R 19(3) at building plan submission stage. Detailed comments on the proposal would be made at formal building plans submission stage;

- (g) to note Director of Fire Services' (DFS) comments that fire service installations (FSIs) were anticipated to be required in consideration of the design/nature of the proposed structures. Therefore, the applicant was advised to submit relevant layout plans incorporated with the proposed FSIs to his Department for approval. In formulating the FSIs proposal for the proposed structures, the applicant should observe the requirements as indicated in Appendix VI of the RNTPC Paper. The applicant should also note other advices of DFS in Appendix VI of the RNTPC Paper;
- (h) to note Director of Food and Environmental Hygiene's advice that a proper food licence issued by his Department was necessary if any food business was opened to the public;
- (i) to note Director of Electrical and Mechanical Services' comments that the applicant should approach the electricity supplier for the requisition of cable plans to find out whether there was any underground cable (and/or overhead line) within or in the vicinity of the site. Based on the cable plans obtained, if there was underground cable (and/or overhead line) within or in the vicinity of the application site, the applicant should carry out the measures as prescribed in Appendix VII of the RNTPC Paper; and
- (j) to note Project Manager/New Territories North and West, Civil Engineering and Development Department's comments that the site was in close proximity to the limit of the project no. 7259RS "Cycle Tracks Connecting North West New Territories with North East New Territories" (Plan A-2 of the RNTPC Paper). The site should not encroach onto the Project limit.

Agenda Item 30

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTN/331 Filling of Pond for Organic Farming Use
in “Agriculture” zone,
Lots 3 (Part), 8 and 9 (Part) in D.D. 110, Tai Kong Po, Yuen Long
(RNTPC Paper No. A/YL-KTN/331)

Presentation and Question Sessions

92. 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 highlighting that part of the site was subject to planning enforcement action as the filling of pond/land found on the site constitutes to an unauthorized development under the Town Planning Ordinance and there was no previous application covering the site.;
- (b) filling of pond for organic farming use;
- (c) departmental comments –Director of Agriculture, Fisheries and Conservation (DAFC) had strong objection to the proposed pond-filling activities. He considered that ponds should be preserved for agricultural or fisheries purposes unless there was a strong justification to fill the ponds. Even if the ponds were filled, they should be filled with good quality soil so that the ponds area could be converted into good quality farmland. The pond concerned had been filled with construction waste (including broken bricks and concrete debris), which was not suitable for cultivation purpose and destroyed the valuable natural resources. The applicant’s proposal to fill a pond with construction waste and then build a greenhouse on top of it was not sensible. Director of Environmental Protection (DEP) doubted the genuine intention of the applicant of making an application for pond filling

for organic farming use when the site had already been filled with construction and demolition materials. Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) advised that the applicant should submit a drainage study to demonstrate that the proposed pond filling would not cause any adverse drainage impact to the adjacent area.

- (d) three public comments were received during the statutory publication period from an office of two Yuen Long District Councillors, a Yuen Long District Councillor and a local resident. Two of the three public comments objected to the application on the grounds that the number of fish ponds was dwindling in Yuen Long and fish ponds should be preserved for environmental conservation purpose; many agricultural lands in Yuen Long were not utilized and filling of pond for agricultural purpose should be avoided; and the site had been filled illegally without government permission and the current application was challenging the law. The remaining public comment strongly supported the application as organic farming was a healthy and environmentally-friendly use. District Officer (Yuen Long) advised that one written comment from a local resident which was the same as one of the public comments received during the statutory publication period was received; and

- (e) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessment in paragraph 11 of the Paper. The site had been partly filled by construction waste which was different from the filling materials (including gravel, soil and small amount of asphalt) as proposed by the applicant in the application. The use of such filling materials did not seem to be conducive to organic farming use. DAFC had strong objection to such filling activities as construction waste was not suitable for cultivation purpose and such filling activities had destroyed the valuable natural resources. DEP also queried the genuine intention of the pond filling as construction and demolition materials were used for the pond filling works. Besides, the filling of the site creating a fait accompli situation to justify for the current proposal should not be encouraged. From the drainage point of view, the pond filling would cause drainage impact on

the surrounding areas. However, the applicant did not submit any drainage study report or drainage proposal to demonstrate that the pond filling would not cause adverse drainage impact to its surrounding areas. In this regard, CE/MN, DSD requested the applicant to submit a drainage study. Local objections against the application had been received during the statutory publication period.

93. Members had no question on the application.

Deliberation Session

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

- (a) the application related to organic farming use. However, the application site had been filled by construction waste, which was not conducive to the organic farming use; and
- (b) the development would cause adverse drainage impact on the surrounding areas and no drainage proposal or relevant mitigation measure(s) was provided in the submission to demonstrate that the development would not cause any adverse drainage impact.

Agenda Item 31

Section 16 Application

[Open Meeting]

A/YL-KTS/473 Temporary Facility for Processing of Organic Fertilizers
for a Period of 3 Years in “Agriculture” zone,
Lots 118 RP (Part), 120 (Part), 121 (Part) and 122 (Part) in D.D. 113
and Adjoining Government Land, Pat Heung, Yuen Long
(RNTPC Paper No. A/YL-KTS/473)

Presentation and Question Sessions

95. The Committee noted that the applicant's representative on 4.9.2009 requested for deferment of the consideration of the application for two months in order to allow time to prepare supplementary information to address the environmental issue of the development.

Deliberation Session

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

Agenda Item 32

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-PH/593 Temporary Vehicle Repair Workshop for a Period of 3 Years
in "Village Type Development" zone,
Lot 227 in D.D.111, Shui Kan Shek, Pat Heung, Yuen Long
(RNTPC Paper No. A/YL-PH/593)

Presentation and Question Sessions

97. 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 highlighting that a minor portion at the northern tip of the site was the subject of a previous planning application No. A/YL-PH/125 for temporary open storage of construction machinery for a period of 12 months which was rejected by the Committee on 3.10.1997. The site was also involved in an enforcement case for storage

and workshop uses. Enforcement Notice was issued to the registered owners and occupier on 24.3.2009 and expired on 24.5.2009;

- (b) proposed temporary vehicle repair workshop for a period of 3 years;
- (c) departmental comments –District Lands Officer/Yuen Long advised that there was no Small House application on the lot but the proposed access route from the site to Fan Kam Road would traverse some other private land lots, in particular, two approved Small Houses lots and lots of some structures under Short Term Waiver (STW) 2033. Alternative route should be sought to avoid the encroachment. Assistant Commissioner for Transport/New Territories, Transport Department commented that the width of the proposed access to Fan Kam Road and the types of vehicles using the proposed access should be provided. Director of Environmental Protection did not support the application as workshop activities were expected to cause noise nuisances to the sensitive receivers nearby although there were no complaints against the site in the past 3 years. Chief Town Planning/Urban Design and Landscape, Planning Department objected to the application from the landscape planning point of view as the proposed temporary vehicle repair workshop was incompatible with the surrounding rural setting and the nearby village houses. Approval of the application would set an undesirable precedent for similar applications in the surroundings leading to proliferation of similar use in the “Village Type Development” (“V”) zone. Other Government departments had no objection/adverse comment;
- (d) a public comment has been received during the statutory publication period. The commenter objected the application and opined that there were many vehicle scrap yards in the surrounding area and extensive land had been ruined. If the Board continued to grant temporary permissions, the local environment will never be improved. No local objection/view was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)’s views – PlanD did not support the

application based on the assessment in paragraph 11 of the Paper. The proposed development was not in line with the planning intention of the “V” zone which was to reflect existing recognized and other villages and to provide land considered suitable for village expansion and reprovisioning of village houses affected by Government projects. Land within the zone was primarily intended for development of Small Houses by indigenous villagers. Approval of the application would frustrate the planning intention of the “V” zone and there was no strong planning justification given in the submission for a departure from the planning intention, even on a temporary basis. The proposed development was considered not compatible with the surroundings with residential dwellings in the vicinity. There were adverse departmental comments against the application. No technical assessments had been submitted to address the traffic, landscape and the noise issues. There was no previous approval granted for the use on-site nor was there similar planning approval for workshop use within the subject “V” zone in the vicinity of the site. Approval of the application would set an undesirable precedent for similar uses to proliferate into the zone.

98. Members had no question on the application.

Deliberation Session

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

- (a) the proposed development was not in line with the planning intention of the “Village Type Development” zone on the Outline Zoning Plan, which was to reflect existing recognized and other villages, and to provide land considered suitable for village expansion and reprovisioning of village houses affected by Government projects. Land within the zone was primarily intended for development of Small Houses by indigenous villagers. Approval of the application would frustrate the planning intention and there was no strong planning justification given in the submission for a departure from the planning intention, even on a temporary basis;

- (b) the proposed development was considered not compatible with the surroundings with residential dwellings located in the vicinity of the site;
- (c) the proposed development would cause adverse environmental, traffic and landscape impacts on the surrounding areas and no technical assessments had been conducted to address the issues; and
- (d) the 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 33

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-PH/594 Renewal of Planning Permission for Temporary
 “Kennel, Cattery and Dog Training Centre” Use for a Period of 3 Years
 in “Residential (Group D)” and “Village Type Development” zones,
 Lots 186 S.B (Part), 186 RP (Part), 187 S.B and 187 S.G in D.D. 108,
 Pat Heung, Yuen Long
 (RNTPC Paper No. A/YL-PH/594)

Presentation and Question Sessions

100. 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) renewal of planning permission (No. A/YL-PH/528) for temporary kennel, cattery and dog training centre for a period of 3 years;

- (c) departmental comments –Director of Environmental Protection (DEP) had no strong view on the application if the proposed noise control measures were maintained and implemented properly. Director of Agriculture, Fisheries and Conservation had no objection to the application. Nevertheless, the applicant should be advised to avoid disturbance to the wooded area adjacent to the site. Other Government departments had no objection/adverse comment on the application,

- (d) during the statutory publication period, a public comment was received from the Village Representative of Ta Shek Wu Tsuen who objected to the application. The Village Representative stated that the site was in close proximity to the residential dwellings nearby. The barking of dogs made the residents’ lives uneasy, especially during late night when the noise of the roaring barks made it difficult for them to sleep. The nasty odour occasionally released from the dog yard drifted with the wind and filled the air. If the operation of the dog yard continued, the environment and hygiene of the village would further deteriorate. No local objection/view was received by the District Officer (Yuen Long); and

[Mr. Simon Yu returned to join the meeting at this point.]

- (e) the Planning Department (PlanD)’s views – PlanD considered that the temporary kennel, cattery and dog training centre could be tolerated for a period of 3 years based on the assessment in paragraph 12 of the Paper. The development was considered not incompatible with the surrounding land uses. Since private initiative for permanent residential development within the “Residential (Group D)” zone was not likely to be realized in the near future, appropriate use of the site in the interim period might be considered. Approval of the application on a temporary basis would not frustrate the long-term planning intention of the zone. All approval conditions of the previous planning permission (No. A/YL-PH/528) had been complied with by the applicant. There had not been any material change in planning circumstances since the previous approval (No. A/YL-PH/528) was granted and the land uses of the surrounding areas. Although a public comment was

received from the Village Representative of the adjacent Ta Shek Wu Tsuen who objected to the application, DEP had not received any complaint against the use in the past 3 years. Moreover, if the proposed noise control measures were maintained and implemented properly, DEP had no strong view on the application. In this regard, suitable conditions had been recommended, should the application be approved by the Committee. Other relevant Government departments had no adverse comments on the application.

101. Members had no question on the application.

Deliberation Session

102. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 18.9.2012, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) the provision of 24-hour mechanical ventilation and insulation wall for the kennel as implemented under Application No. A/YL-PH/441 on the site should be maintained at all times during the planning approval period;
- (b) the dogs should be kept inside the enclosed kennel at night on the site at all times during the planning approval period;
- (c) the landscape planting on the site should be maintained at all times during the planning approval period;
- (d) the drainage facilities as implemented under Application No. A/YL-PH/528 on the site should be maintained at all times during the planning approval period;
- (e) 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 TPB by 18.3.2010;

- (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 18.6.2010;
- (g) if any of the above planning conditions (a), (b), (c) or (d) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (h) if any of the above planning conditions (e) or (f) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and
- (i) upon expiry of the planning permission, the reinstatement of the site to an amenity area to the satisfaction of the Director of Planning or of the TPB.

103. The Committee also agreed to advise the applicant :

- (a) to resolve any land issues relating to the development with the concerned owners of the application site;
- (b) to note District Lands Officer/Yuen Long's comments that no structure was allowed to be erected without prior approval from his office. The site was accessible to Fan Kam Road via long haul of an informal village track on private land and open Government land without maintenance works to be carried out thereon by his office. His office did not guarantee right-of-way;
- (c) to note Chief Highway Engineer/New Territories West, Highways Department's (HyD) comments that HyD was not responsible for the maintenance of any existing vehicular access connecting the site and Fan Kam Road;
- (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 to adopt environmental mitigation measures to minimize any possible environmental nuisances. Also, a valid discharge licence under Water Pollution Control Ordinance was required at all time during the operation. It was not necessary for the applicant to obtain the approval of planning permission before renewing or applying a discharge licence;

- (e) to note Director of Agriculture, Fisheries and Conservation’s comments that the applicant should avoid disturbance to the wooded area adjacent to the site;
- (f) to note Director of Fire Services’ comments that in consideration of the design/nature of the proposed structures, fire service installations (FSIs) were anticipated to be required. Therefore, the applicant was advised to submit relevant layout plans incorporated with the proposed FSIs to his Department for approval. The applicant was advised to make reference to Appendix V of the RNTPC paper on the general fire safety requirements in formulating the proposal;
- (g) to note Chief Engineer/Development (2), Water Supplies Department’s comments that the site fell within the Flood Pumping Gathering Ground for River Indus;
- (h) to note Chief Building Surveyor/New Territories West, Buildings Department’s comments that unauthorized structures on-site, which were liable to action under section 24 of the Buildings Ordinance (BO), should be removed. The granting of the planning approval should not be construed as condoning to any unauthorized structures existing on the site under the Buildings Ordinance and the allied regulations. Actions appropriate under the said Ordinance or other enactment might be taken if contravention was found. Formal submission of any proposed new works, including any temporary structure for approval under the BO was required. If the site did not abut a specified street having a width not less than 4.5m, the

development intensity should be determined under Building (Planning) Regulations 19(3) at building plan submission stage; and

- (i) to note Director of Electrical and Mechanical Services' comments that the applicant should approach the electricity supplier for the requisition of cable plans to find out whether there was any underground cable (and/or overhead line) within or in the vicinity of the site. Based on the cable plans obtained, if there was underground cable (and/or overhead line) within or in the vicinity of the site, for application site within the preferred working corridor of high voltage overhead lines at transmission voltage level 132kV and above as stipulated in the Hong Kong Planning Standards and Guidelines, prior consultation and arrangement with the electricity supplier was necessary. Prior to establishing any structure within the site, the applicant and/or his contractors should liaise with the electricity supplier and, if necessary, ask the electricity supplier to divert the underground cable (and/or overhead line) away from the vicinity of the proposed structure. The "Code of Practice on Working near Electricity Supply Lines" established under the Electricity Supply Lines (Protection) Regulation should be observed by the applicant and his contractors when carrying out works in the vicinity of the electricity supply lines.

Agenda Item 34

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-PH/595 Temporary Open Storage of Vehicles (Private Cars and Light Goods Vehicles) Prior to Sale for a Period of 3 Years
in "Residential (Group D)" zone,
Lots 357 and 362 S.B RP (Part) in D.D.114, Wang Toi Shan,
Pat Heung, Yuen Long
(RNTPC Paper No. A/YL-PH/595)

Presentation and Question Sessions

104. 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 highlighting that part of the site was the subject of 4 previously approved planning applications for temporary open storage of new private cars and vehicle parts prior to sale. The approval conditions of the latest Application No. A/YL-PH/498 approved on 29.7.2005 had been complied with and the approval lapsed on 29.7.2008. Comparing with the latest application No. A/YL-PH/498, the current application was submitted by a different applicant for a similar use with a smaller site area;
- (b) proposed temporary open storage of vehicles (private cars and light goods vehicles) prior to sale for a period of 3 years;
- (c) departmental comments –Director of Environmental Protection did not support the application as there were residential dwellings in the vicinity of the site and environmental nuisance was expected. However, no environmental complaint on the site was received in the past three and a half years. Other Government departments had no objection/adverse comment on the application;
- (d) no public comment was received during the statutory publication period and no local objection/view was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)’s views – PlanD considered that the temporary open storage of vehicles (private cars and light goods vehicles) prior to sale could be tolerated for a period of 3 years based on the assessment in paragraph 12 of the Paper. There was no major change in planning circumstances from the previous planning approval (No. A/YL-PH/498). Although the applied use was not entirely in line with the planning intention of the “Residential (Group (D))” (“R(D)”) zone, the development was not incompatible with the adjoining mixture of open

storage yards, fallow agricultural land plots and scattered residential dwellings. Since private initiative for permanent residential development within the “R(D)” zone was not likely to be realized in the near future, appropriate use of the site in the interim period might be considered. Approval of the application on a temporary basis would not frustrate the long-term planning intention of the zone. The development generally complied with the Town Planning Board Guidelines No. 13E in that previous approvals for a similar use had been granted for the site. Relevant Government departments consulted had either no comment on or no objection to the application. To address potential environmental concerns, approval conditions restricting the operation hours of the use and prohibiting heavy goods vehicles and repairing, maintenance, dismantling and workshop activities were recommended

105. Members had no question on the application.

Deliberation Session

106. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 18.9.2012, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no night-time operation between 8:00 p.m. and 8:00 a.m., as proposed by the applicant, was allowed at the site during the planning approval period;
- (b) no dismantling, maintenance, repairing, cleansing, paint spraying and other workshop activities should be carried out at the site at any time during the planning approval period;
- (c) no storage of dismantled vehicles and waste materials were allowed on the site at any time during the planning approval period;
- (d) no heavy goods vehicles (i.e. exceeding 24 tonnes) as defined in the Road Traffic Ordinance or container trailers/tractors were allowed to be

parked/stored on the site at any time during the planning approval period;

- (e) the drainage facilities implemented under Application No. A/YL-PH/498 on the site should be maintained at all times during the planning approval period;
- (f) the submission of landscape proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 18.3.2010;
- (g) in relation to (f) above, the implementation of landscape proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 18.6.2010;
- (h) 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 TPB by 18.3.2010;
- (i) in relation to (h) 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 18.6.2010;
- (j) if any of the above planning conditions (a), (b), (c), (d) or (e) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (k) if any of the above planning conditions (f), (g), (h) or (i) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and
- (l) upon the expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the TPB.

107. The Committee also agreed to advise the applicant :

- (a) that planning permission should have been obtained before continuing the development at the site;
- (b) to resolve any land issues relating to the development with the concerned owners of the site;
- (c) to note District Lands Officer/Yuen Long's comments that no structure was allowed to be erected without prior approval from his office. Unauthorized structures were noted. His office reserved the right to take lease enforcement against the irregularities. The site was accessible to Kam Tin Road via an adjoining private land and Government land without maintenance works to be carried out thereon by his office. The portion of Kam Tin Road was affected by a Highways Department (HyD) project known as "Upgrading of Remaining Sections of Kam Tin Road and Lam Kam Road" and Drainage Services Department project known as "Yuen Long and Kam Tin Sewage Treatment, Stage 1B-1T (Kam Tin Truck Sewerage, Phase 2)". His office did not guarantee right-of-way. The registered owner of the lot should apply for Short Term Waiver (STW) to regularize the irregularities on-site. Should no STW application be received/approved and any irregularities persisted on-site, his office would consider taking appropriate lease enforcement action against the registered owner;
- (d) to note Chief Highway Engineer/New Territories West, HyD's comments that the storage site seems to partly encroach upon the works limit of the project "Upgrading of Remaining Sections of Kam Tin Road and Lam Kam Road" undertaken by Works Division of HyD, the works were mainly on the Government land adjoining the site. The project was tentatively scheduled for commencement of works in early 2011. The site should not encroach upon the project limit of the said road upgrading project and should be set-back, if required, upon HyD's finalization of the project

limits;

- (e) to follow the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” issued by Environmental Protection Department to adopt environmental mitigation measures to minimize any possible environmental nuisances;
- (f) to note Chief Engineer/Sewerage Projects, Drainage Services Department’s comments that his office was planning a sewerage project in Kam Tin and Pat Heung areas. Part of the sewers/rising mains would be laid in the vicinity of the site. The construction works for the trunk sewers/rising mains were targeted to commence in 2011 the earliest for completion in 2014/2015, subject to the outcome of public consultation with the locals;
- (g) to note Director of Fire Services’ comments that in consideration of the design/nature of the proposed structure, the applicant was advised to submit relevant layout plans incorporated with the proposed fire service installations (FSIs) to his Department for approval. In formulating FSIs proposal for the application, the applicant was advised to make reference to the requirements as stated in Appendix V of the RNTPC paper;
- (h) to note Chief Building Surveyor/New Territories West, Buildings Department’s comments that all unauthorized structures on the site should be removed. All building works were subject to compliance with the Buildings Ordinance. Authorized Person must be appointed to coordinate all building works. The granting of planning approval should not be construed as an acceptance of the unauthorized structures on-site under the Buildings Ordinance. Enforcement action might be taken to effect the removal of all unauthorized works in the future; and
- (i) to note Director of Electrical and Mechanical Services’ comments that the applicant should approach the electricity supplier for the requisition of cable plans to find out whether there was any underground cable (and/or overhead line) within or in the vicinity of the site. Based on the cable plans

obtained, if there was underground cable (and/or overhead line) within or in the vicinity of the site, for application site within the preferred working corridor of high voltage overhead lines at transmission voltage level 132kV and above as stipulated in the Hong Kong Planning Standards and Guidelines, prior consultation and arrangement with the electricity supplier was necessary. Prior to establishing any structure within the site, the applicant and/or his contractors should liaise with the electricity supplier and, if necessary, ask the electricity supplier to divert the underground cable (and/or overhead line) away from the vicinity of the proposed structure. The “Code of Practice on Working near Electricity Supply Lines” established under the Electricity Supply Lines (Protection) Regulation should be observed by the applicant and his contractors when carrying out works in the vicinity of the electricity supply lines.

Agenda Item 35

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-SK/154 Proposed Temporary Warehouse and Open Storage of Construction Materials and Construction Machinery with Ancillary Workshop for a Period of 3 Years
in “Village Type Development” and “Agriculture” zones,
Lot 1069 S.C RP in D.D.106, Kam Shui South Road,
Shek Kong, Yuen Long
(RNTPC Paper No. A/YL-SK/154)

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) proposed temporary warehouse and open storage of construction materials

and construction machinery with ancillary workshop for a period of 3 years;

- (c) departmental comments –Director of Environmental Protection did not support the application as there were sensitive receivers of residential uses to the immediate north, northwest and southeast and in the vicinity of the site and environmental nuisance was expected. Chief Town Planner/Urban Design and Landscape, Planning Department considered that the proposed use was incompatible with the surrounding village setting. Given the close proximity of the site to the existing residential development and the potential adverse impact on the rural landscape character arising from the use, she did not support the application from the landscape planning point of view. Other Government departments had no objection/adverse comment;
- (d) two public comments were received during the statutory publication period. The first commenter who was a Yuen Long District Council member considered that Kam Shui South Road was narrow and not suitable for use by heavy vehicles. The speeding and illegal parking on the road threatened the safety of other road users. He requested the Board to consider the application prudently taking into account the traffic condition of the road and the views of the village representatives. The second commenter pointed out that heavy vehicles using the narrow access road leading to the site had caused problems such as colliding with the crash barrier and blocking the traffic when they were reversing. He considered that heavy vehicles should be banned from using the road to safeguard the local villagers. Before pedestrian facilities were added to the access road, the application should not be considered for approval. District Officer (Yuen Long) had received one written comment from a Yuen Long District Council member which was treated as one of the public comments; and
- (e) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessment in paragraph 12 of the Paper. The proposed development was considered not compatible with the surrounding

residential uses and the rural character of the area. No similar application for storage use had been approved in the same “Village Type Development” (“V”) and “Agriculture” zones on the OZP. The proposed development was not in line with the planning intention of the “V” zone which was to designate both existing recognized villages and areas of land considered suitable for village expansion. Land within the “V” zone was primarily intended for development of Small Houses by indigenous villagers. The development did not comply with the Town Planning Board Guidelines No.13E in that no previous planning approval had been granted for the proposed use on the site and no relevant technical assessments/proposals had been included to demonstrate that the proposed use would not generate adverse drainage, landscaping and environmental impacts on the surrounding areas.

109. Members had no question on the application.

Deliberation Session

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

- (a) the proposed development did not comply with the Town Planning Board PG-No. 13E in that no previous planning approval had been granted for the proposed use on the site, no relevant technical assessments/proposals had been submitted to demonstrate that the proposed use would not generate adverse drainage, landscaping and environmental impacts on the surrounding areas and there were adverse departmental comments on the application. The proposed development was considered not compatible with the residential uses located to its immediate north, northwest and southeast and in the vicinity and with the rural character of the area;
- (b) the proposed development was not in line with the planning intention of the “Village Type Development” (“V”) zone which was to designate both existing recognized villages and areas of land considered suitable for

village expansion. Land within this zone was primarily intended for development of Small Houses by indigenous villagers. No strong planning justification had been given in the submission to justify a departure from the planning intention, even on a temporary basis; and

- (c) approval of the application, even on a temporary basis, would set an undesirable precedent for similar applications within the “V” and “Agriculture” zones. The cumulative effect of approving such applications would result in a general degradation of the rural environment of the area.

Agenda Item 36

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/448 Temporary Open Storage of Marble for a Period of 3 Years
in “Undetermined” zone,
Lots 326 (Part), 327 S.A (Part), 327 S.A ss.1 (Part),
327 S.B (Part), 327 S.C (Part), 327 S.D (Part), 328 (Part), 334 (Part)
and 335 (Part) in D.D.119, Shan Ha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-TYST/448)

Presentation and Question Sessions

111. 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 highlighting that the site was the subject of 3 previously approved applications for the same use as the current application. The approval conditions of the last application (No. A/YL-TYST/320) were complied with and the planning permission lapsed on 16.6.2009;
- (b) proposed temporary open storage of marble for a period of 3 years;

- (c) departmental comments –Director of Environmental Protection (DEP) did not support the application as there were sensitive receivers of residential uses along the access road leading to the site and residential structures under construction to the northwest of the site and environmental nuisance was expected. Other Government departments had no objection/adverse comment;
- (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 Planning Department (PlanD)’s views – PlanD considered that the temporary open storage of marble could be tolerated for a period of 3 years based on the assessment in paragraph 12 of the Paper. The application was generally in line with the Town Planning Board Guidelines No.13E in that the concerns of relevant departments were technical in nature which could be addressed through the implementation of approval conditions. The development was not incompatible with the surrounding areas which were mixed with open storage yards, warehouse, residential structures and vacant land. The site had been the subject of 3 previous applications for the same use and the approval conditions under the last application had been complied with. To address DEP’s concerns, approval conditions restricting the operation hours and prohibiting cutting, grinding, cleansing and any other workshop activities were proposed.

112. Members had no question on the application.

Deliberation Session

113. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 18.9.2012, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no night-time operation between 7:00 p.m. and 7:00 a.m., as proposed by

the applicant, was allowed on the application site during the planning approval period;

- (b) no operation on Sundays and public holidays, as proposed by the applicant, was allowed on the application site during the planning approval period;
- (c) no cutting, grinding, cleansing and any other workshop activities should be carried out at the application site at any time during the planning approval period;
- (d) the existing drainage facilities on the application site should be maintained at all times during the planning approval period;
- (e) the existing landscape planting on the application site should be maintained at all times during the planning approval period;
- (f) the replacement planting of 3 missing trees on the western boundary of the application site within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 18.3.2010;
- (g) 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 TPB by 18.3.2010;
- (h) in relation to (g) above, the provision of fire service installations within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 18.6.2010;
- (i) if any of the above planning conditions (a), (b), (c), (d) or (e) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (j) if any of the above planning conditions (f), (g) or (h) was not complied with

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

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

114. The Committee also agreed to advise the applicant :

- (a) that planning permission should have been renewed before continuing 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) to note District Lands Officer/Yuen Long, Lands Department's comments that his office reserved the right to take enforcement action against the unauthorized structures erected on the site. If there was a breach of condition of Short Term Waiver (STW) No. 3135 that covers Lot 326 in D.D. 119, his office would initiate appropriate enforcement action. The registered lot owner of Lot 327 S.A in D.D. 119 should apply to his office for STW to regularize the irregularities on the site. Should no STW application be received/approved and the irregularities persisted on-site, his office would consider taking appropriate lease enforcement action against the registered owner;
- (d) to note Assistant Commissioner for Transport/New Territories, Transport Department's comments that the land status of the road/path/track leading to the site should be checked with the lands authority. The management and maintenance responsibilities of the same road/path/track should be clarified with the relevant lands and maintenance authorities accordingly;
- (e) to note Chief Highway Engineer/New Territories West, Highways Department's comments that the applicant should be responsible for the

access connecting the site and Shan Ha Road;

- (f) to follow the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Director of Environmental Protection to minimize any potential environmental nuisances;
- (g) to note 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;
- (h) to note Director of Fire Services’ comments on the requirements on formulating fire service installations (FSIs) proposal in Appendix V of the RNTPC Paper;
- (i) to note Chief Building Surveyor/New Territories West, Buildings Department’s comments that unauthorized structures on-site were liable to action under section 24 of the Buildings Ordinance. Moreover, the granting of planning approval should not be construed as condoning to any unauthorized structures existing on the site under the Buildings Ordinance 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 a specified street having a width of not less than 4.5m, the development intensity should be determined under Building (Planning) Regulation (B(P)R) 19(3) at the building plan submission stage. Containers used as office were considered as temporary buildings and were subject to control under B(P)R Part VII; and
- (j) to note Director of Electrical and Mechanical Services’ comments that the applicant should approach the electricity supplier for the requisition of cable plans to find out whether there was any underground cable (and/or overhead line) within or in the vicinity of the site. For site within the

preferred working corridor of high voltage overhead lines at transmission voltage level 132kV and above as stipulated in the Hong Kong Planning Standards and Guidelines published by the Planning Department, prior consultation and arrangement with the electricity supplier was necessary. Prior to establishing any structure within the site, the applicant and/or his contractors should liaise with the electricity supplier to divert the underground cable (and/or overhead line) away from the vicinity of the proposed structure. The “Code of Practice on Working near Electricity Supply Lines” established under the Electricity Supply Lines (Protection) Regulation should be observed by the applicant and his contractors when carrying out works in the vicinity of the electricity supply lines.

Agenda Item 37

Section 16 Application

[Open Meeting]

A/YL-TYST/449 Temporary Retail Shop for Hardware Groceries for a Period of 3 Years in “Residential (Group B) 1” zone,
Lot 1375 RP (Part) in D.D. 121 and Adjoining Government Land,
Tong Yan San Tsuen, Yuen Long
(RNTPC Paper No. A/YL-TYST/449)

Presentation and Question Sessions

115. The Committee noted that the applicant’s representative on 8.9.2009 requested for deferment of the consideration of the application for two months in order to allow time to address fire safety issues and to submit further information to substantiate the application.

Deliberation Session

116. After deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending the submission of additional information from the applicant. The Committee also agreed that the application should be submitted to the Committee for consideration within two months from the date of receipt of additional

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

Agenda Item 38

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/450 Temporary Warehouse for Storage of Metal Ware,
Machinery and Spares Parts for a Period of 3 Years
in “Undetermined” zone,
Lots 1255(Part), 1256(Part), 1258(Part), 1259(Part)
and 1267(Part) in D.D. 119, Pak Sha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-TYST/450)

Presentation and Question Sessions

117. 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) proposed temporary warehouse for storage of metal ware, machinery and spare parts for a period of 3 years;
- (c) departmental comments –Director of Environmental Protection (DEP) did not support the application as there were sensitive receivers of residential use to the south of the site and environmental nuisance was expected: However, there was no environmental complaint concerning the site received in the past 3 years. Other Government departments had no objection/adverse comment,
- (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 Planning Department (PlanD)'s views – PlanD considered that the temporary warehouse for storage of metal ware, machinery and spare part could be tolerated for a period of 3 years based on the assessment in paragraph 11 of the Paper. The warehouse use was not in conflict with the planning intention of the “Undetermined” zone which was intended to cater for the continuing demand for open storage which could not be accommodated in conventional godown premises. Besides, the development was considered not incompatible with the surrounding areas which were mainly occupied by warehouses, open storage yards, workshops and residential structures. Although DEP did not support the application, no environmental complaints had been received. To address possible concern on the environmental impact, approval conditions restricting the operation hours and prohibiting open storage use and the carrying out of repairing, dismantling, cleaning and any other workshop activities and the use of heavy vehicles were recommended. Technical concerns of other Government departments could be addressed by relevant approval conditions.

118. Members had no question on the application.

Deliberation Session

119. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 18.9.2012, 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., as proposed by the applicant, was allowed on the application site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, was allowed on the application site during the planning approval period;

- (c) no storage at the open area of the application site, as proposed by the applicant, was allowed during the planning approval period;
- (d) no repairing, dismantling, cleaning and any other workshop activities, as proposed by the applicant, should be carried out on the application site at any time during the planning approval period;
- (e) no vehicles over 5.5 tonnes, as proposed by the applicant, were allowed for the operation of the application site at any time during the planning approval period;
- (f) the submission of landscape proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 18.3.2010;
- (g) in relation to (f) above, the implementation of landscape proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 18.6.2010;
- (h) the submission of drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 18.3.2010;
- (i) in relation to (h) above, the implementation 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 18.6.2010;
- (j) 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 TPB by 18.3.2010;
- (k) in relation to (j) 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 18.6.2010;

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

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 issue relating to the development with the concerned owner(s) of the application site;
- (c) to note District Lands Officer/Yuen Long, Lands Department's comments that his office reserved the right to take enforcement action against the unauthorized structures erected on the lots within the site if indeed found in due course. If the agricultural structures permitted on Lot 1267 in D.D. 119 were converted for non-agricultural purposes, his office would arrange to terminate the permit within the site as appropriate. The registered lot owners should apply to his office for Short Term Waiver (STW) to regularize the irregularities on the site. Should no STW application be received/approved and the irregularities persisted on-site, his office would consider taking appropriate lease enforcement action against

the registered owners;

- (d) to note Assistant Commissioner for Transport/New Territories, Transport Department's comments that the land status of the road/path/track leading to the site should be checked with the lands authority. The management and maintenance responsibilities of the same road/path/track should be clarified with the relevant lands and maintenance authorities accordingly;
- (e) to note Chief Highway Engineer/New Territories West, Highways Department's comments that his Department should not be responsible for the maintenance of any access connecting the site and Kung Um Road;
- (f) to follow the latest "Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites" issued by the Director of Environmental Protection to minimize any potential environmental nuisances;
- (g) to note Chief Engineer/Mainland North, Drainage Services Department's comments on the submitted drainage proposal that drainage facilities should be provided along the perimeter of the site boundary at ground level to collect the surface runoff generated from the site and passed through the site; the gradient of the proposed channel should be stated in the calculation to substantiate the size of the proposed channel; and the size of the existing drain at the end of the discharge path should be stated in the drainage plan;
- (h) to note Chief Engineer/Development (2), Water Supplies Department (WSD)'s comments that for provision of water supply to the development, the applicant might need to extend his inside services to the nearest 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. Water mains in the vicinity of the site could not provide the standard fire-fighting flow;

- (i) to note Director of Fire Services' comments on the requirements on formulating fire service installations proposal in Appendix III of the RNTPC Paper;

- (j) to note Chief Building Surveyor/New Territories West, Buildings Department's comments that unauthorized structures on-site were liable to action under section 24 of the Buildings Ordinance. Moreover, the granting of planning approval should not be construed as condoning to any unauthorized structures existing on the site under the Buildings Ordinance 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 a specified street having a width of not less than 4.5m, the development intensity should be determined under Building (Planning) Regulation (B(P)R) 19(3) at the building plan submission stage. Provision of emergency vehicular access was applicable under B(P)R 41D; and

- (k) to note Director of Electrical and Mechanical Services' comments that the applicant should approach the electricity supplier for the requisition of cable plans to find out whether there was any underground cable (and/or overhead line) within or in the vicinity of the site. For site within the preferred working corridor of high voltage overhead lines at transmission voltage level 132kV and above as stipulated in the Hong Kong Planning Standards and Guidelines published by the Planning Department, prior consultation and arrangement with the electricity supplier was necessary. Prior to establishing any structure within the site, the applicant and/or his contractors should liaise with the electricity supplier to divert the underground cable (and/or overhead line) away from the vicinity of the proposed structure. The "Code of Practice on Working near Electricity Supply Lines" established under the Electricity Supply Lines (Protection) Regulation should be observed by the applicant and his contractors when

carrying out works in the vicinity of the electricity supply lines.

Agenda Item 39

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/452 Proposed Temporary Warehouse for Storage of Plastic and Metal Ware for a Period of 3 Years
in “Undetermined” zone,
Lots 2813 (Part), 2814 (Part), 2815 RP (Part) and
2816 RP (Part) in D.D. 120, Tong Yan San Tsuen, Yuen Long
(RNTPC Paper No. A/YL-TYST/452)

Presentation and Question Sessions

121. 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 highlighting that the site was involved in 5 previous applications. The first 4 applications for various temporary open storage and vehicle park uses covering sites of different areas were rejected by the Committee. The last application (No. A/YL-TYST/ 360) for the same temporary warehouse use covering the same site as the current application was approved with conditions by the Committee on 24.8.2007 for a period of 2 years. However, the planning approval was revoked on 23.6.2009 as the applicant failed to comply with the condition which prohibited open storage and workshop activities on the site;
- (b) proposed temporary warehouse for storage of plastic and metal ware for a period of 3 years;
- (c) departmental comments –Director of Environmental Protection (DEP) did not support the application as there were sensitive receivers of residential use in the vicinity of the site and environmental nuisance was expected. However, there was no environmental complaint concerning the site

received in the past 3 years. Other Government departments had no objection/adverse comment;

- (d) during the statutory publication period, one public comment was received from a Yuen Long District Council member raising objection to the application. The District Council member considered that the revocation of the last planning approval in June 2009 reflected the applicant's insincerity to comply with the approval conditions and, as such, the current application should be rejected. The approval period should be shortened to 1 year should the current application be approved. No local objection/view was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary warehouse for storage of plastic and metal ware could be tolerated for a period of 3 years based on the assessment in paragraph 11 of the Paper. The warehouse use was not in conflict with the planning intention of the “Undetermined” zone which was intended to cater for the continuing demand for open storage which could not be accommodated in conventional godown premises. Besides, the proposed development was considered not incompatible with the surrounding areas comprising a number of open storage yards, warehouses, workshops and vehicle parks. To address possible concern on the environmental impact, approval conditions restricting the operation hours, prohibiting open storage use and the carrying out of repairing, cleaning, dismantling and workshop activities, restricting the type of vehicles used and requiring the maintenance of the existing boundary fence on-site were recommended. As the condition of the last application (No. A/YL-TYST/360) which prohibited open storage and workshop activities on the site was breached and the planning approval was revoked on 23.6.2009, the applicant should be advised that sympathetic consideration might not be given to any further application if the planning permission was revoked again due to non-compliance of approval conditions. There was a public objection to the application concerning mainly the applicant's insincerity to comply with the approval conditions. However, in view of the fact that relevant departments consulted generally

had no adverse comment on the application and the environmental concerns of DEP could be addressed by imposing relevant approval conditions, the current application might be tolerated for one more time on sympathetic consideration.

122. In response to the Chairperson's enquiry, Miss Paulina Y.L. Kwan confirmed that the previous four applications rejected by the Committee involved the application for various temporary open storage uses while the current application was related to a proposed temporary warehouse use.

Deliberation Session

123. After further deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 18.9.2012, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no night-time operation between 7:00 p.m. and 7:00 a.m., as proposed by the applicant, was allowed on the application site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, was allowed on the application site during the planning approval period;
- (c) no storage at the open area of the application site, as proposed by the applicant, was allowed during the planning approval period;
- (d) no repairing, cleaning, dismantling and workshop activities should be carried out on the application site, as proposed by the applicant, at any time during the planning approval period;
- (e) no vehicles over 5.5 tonnes were allowed for the operation of the application site at any time during the planning approval period;
- (f) the existing boundary fence on the application site should be maintained at

all times during the planning approval period;

- (g) the existing landscape planting on the application site should be maintained at all times during the planning approval period;
- (h) the existing drainage facilities on the application site should be maintained at all times during the planning approval period;
- (i) 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 TPB by 18.3.2010;
- (j) in relation to (i) above, the provision of fire service installations within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 18.6.2010;
- (k) if any of the above planning conditions (a), (b), (c), (d), (e), (f), (g) or (h) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (l) if any of the above planning conditions (i) or (j) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and
- (m) upon the expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the TPB.

124. The Committee also agreed to advise the applicant :

- (a) that the permission was given to the use/development under application. It did not condone any other use/development including open storage and workshop which currently existed on the site but not covered by the

application. The applicant should be requested to take immediate action to discontinue such use/development not covered by the permission;

- (b) that prior planning permission should have been obtained before commencing the applied use at the application site;
- (c) that sympathetic consideration might not be given to any further application if the planning permission was revoked again due to non-compliance of approval conditions;
- (d) to resolve any land issue relating to the development with the concerned owner(s) of the application site;
- (e) to note District Lands Officer/Yuen Long, Lands Department's comments that his office reserved the right to take enforcement action against the unauthorized structures erected on the lots within the site if indeed found in due course. The registered lot owners should apply to his office for Short Term Waiver (STW) to regularize the irregularities on the site. Should no STW application be received/approved and the irregularities persisted on-site, his office would consider taking appropriate lease enforcement action against the registered owners according to his prevailing programme;
- (f) to note Assistant Commissioner for Transport/New Territories, Transport Department's comments that the land status of the road/path/track leading to the site should be checked with the lands authority. The management and maintenance responsibilities of the same road/path/track should be clarified with the relevant lands and maintenance authorities accordingly;
- (g) to note Chief Highway Engineer/New Territories West, Highways Department's comments that his Department should not be responsible for the maintenance of any access connecting the site and Kung Um Road;
- (h) to follow the latest "Code of Practice on Handling the Environmental

Aspects of Temporary Uses and Open Storage Sites” issued by Director of Environmental Protection to minimize any potential environmental nuisances;

- (i) to note 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;
- (j) to note Director of Fire Services’ comments on the requirements on formulating fire service installations proposal in Appendix IV of the RNTPC Paper;
- (k) to note Chief Building Surveyor/New Territories West, Buildings Department’s comments that unauthorized structures on-site were liable to action under section 24 of the Buildings Ordinance. Moreover, the granting of planning approval should not be construed as condoning to any unauthorized structures existing on the site under the Buildings Ordinance 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 a specified street having a width of not less than 4.5m, the development intensity should be determined under Building (Planning) Regulation (B(P)R) 19(3) at the building plan submission stage. Besides, containers used as office or store were considered as temporary buildings and were subject to control under B(P)R Part VII. Provision of emergency vehicular access was also applicable under B(P)R 41D; and
- (l) to note Director of Electrical and Mechanical Services’ comments that the applicant should approach the electricity supplier for the requisition of cable plans to find out whether there was any underground cable (and/or overhead line) within or in the vicinity of the site. For site within the preferred working corridor of high voltage overhead lines at transmission voltage level 132kV and above as stipulated in the Hong Kong Planning

Standards and Guidelines published by the Planning Department, prior consultation and arrangement with the electricity supplier was necessary. Prior to establishing any structure within the site, the applicant and/or his contractors should liaise with the electricity supplier to divert the underground cable (and/or overhead line) away from the vicinity of the proposed structure. The “Code of Practice on Working near Electricity Supply Lines” established under the Electricity Supply Lines (Protection) Regulation should be observed by the applicant and his contractors when carrying out works in the vicinity of the electricity supply lines.

Agenda Item 40

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/454 Temporary Open Storage of Construction Machinery, Construction Materials and Home Appliance with Ancillary Repair Workshop for a Period of 3 Years in “Undetermined” zone,
Lots 2387 RP (Part), 2388 (Part), 2389 (Part), 2391 (Part),
2408 (Part), 2410 (Part), 2411 S.AB&C, 2412, 2413, 2414 and
2415 (Part) in D.D. 120, Tong Yan San Tsuen, Yuen Long
(RNTPC Paper No. A/YL-TYST/454)

Presentation and Question Sessions

125. 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 highlighting the site was involved in 7 previous applications for various open storage uses with or without workshop, out of which 6 were approved and 1 was rejected. The planning approval under the last application (No. A/YL-TYST/367) was revoked on 2.1.2009 as the applicant failed to comply with the approval conditions which required the submission and implementation of fire service installations (FSIs) proposal;

- (b) proposed temporary open storage of construction machinery, construction materials and home appliance with ancillary repair workshop for a period of 3 years;
- (c) departmental comments –Director of Environmental Protection (DEP) did not support the application as there were sensitive receivers of residential use in the vicinity of the site and environmental nuisance was expected. However, no environmental complaint concerning the site was received in the past 3 years. Other Government departments had no objection/adverse comment;
- (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 Planning Department (PlanD)’s views – PlanD considered that the temporary open storage of construction machinery, construction materials and home appliance with ancillary repair workshop could be tolerated for a period of 3 years based on the assessment in paragraph 12 of the Paper. The site fell within Category 1 areas according to Town Planning Board Guidelines No. 13E which were considered suitable for open storage and port back-up uses and the application was generally in line with the Guideline in that the concerns of relevant departments could be addressed through the implementation of approval conditions. The development was not incompatible with the surrounding areas which were mixed with open storage yards, vehicle repair workshops, scattered residential structures and agricultural land. To address DEP’s concerns, approval conditions restricting the operation hours were proposed. The last approval under Application No. A/YL-TYST/367 covering the same site was revoked due to non-compliance with approval conditions on the submission and implementation of FSIs proposal within the time limits. Notwithstanding that the current applicant claimed that she had no relationship with the applicant of Application No. A/YL-TYST/367, the two development

proposals were fairly similar. In this regard, shorter compliance periods were proposed to closely monitor the progress on compliance with the approval conditions.

126. Members had no question on the application.

Deliberation Session

127. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 18.9.2012, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no night-time operation between 7:00 p.m. and 7:00 a.m., as proposed by the applicant, was allowed on the application site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, was allowed on the application site during the planning approval period;
- (c) the existing drainage facilities on the application site should be maintained at all times during the planning approval period;
- (d) the submission of landscape and tree preservation proposal within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 18.12.2009;
- (e) in relation to (d) above, the implementation of landscape and tree preservation proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 18.3.2010;
- (f) the submission of fire service installations proposal within 3 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 18.12.2009;

- (g) in relation to (f) above, the provision of fire service installations within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 18.3.2010;
- (h) if any of the above planning conditions (a), (b) or (c) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (i) if any of the above planning conditions (d), (e), (f) or (g) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and
- (j) upon the expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the TPB.

128. 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 shorter compliance periods were allowed to monitor the progress on compliance with approval conditions;
- (c) that sympathetic consideration might not be given to any further application if the planning permission was revoked again due to non-compliance of approval conditions;
- (d) to resolve any land issue relating to the development with the concerned owner(s) of the application site;
- (e) to note District Lands Officer/Yuen Long, Lands Department's comments that his office reserved the right to take enforcement action against the

unauthorized structures erected on the lots within the site. The registered lot owners should apply to his office for Short Term Waiver (STW) to regularize the irregularities on the site. Should no STW application be received/approved and the irregularities persisted on-site, his office would consider taking appropriate lease enforcement action against the registered owners according to his prevailing programme;

- (f) to note Assistant Commissioner for Transport/New Territories, Transport Department's comments that the land status of the road/path/track leading to the site should be checked with the lands authority. The management and maintenance responsibilities of the same road/path/track should be clarified with the relevant lands and maintenance authorities accordingly;
- (g) to note Chief Highway Engineer/New Territories West, Highways Department's comments that his Department should not be responsible for the maintenance of any access connecting the site and Kung Um Road;
- (h) to follow the latest "Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites" issued by Director of Environmental Protection to minimize any potential environmental nuisances;
- (i) to note Chief Engineer/Development (2), Water Supplies Department (WSD)'s comments that for provision of water supply to the development, the applicant might need to extend his inside services to the nearest 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. Water mains in the vicinity of the site could not provide the standard fire-fighting flow;
- (j) to note Director of Fire Services' comments on the requirements on formulating fire service installations proposal in Appendix V of the

RNTPC Paper;

- (k) to note Chief Building Surveyor/New Territories West, Buildings Department's comments that unauthorized structures on-site were liable to action under section 24 of the Buildings Ordinance. Moreover, the granting of planning approval should not be construed as condoning to any unauthorized structures existing on the site under the Buildings Ordinance 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 a specified street having a width of not less than 4.5m, the development intensity should be determined under Building (Planning) Regulation (B(P)R) 19(3) at the building plan submission stage. Containers used as offices and storerooms were considered as temporary structures and were subject to control under B(P)R Part VII; and

- (l) to note Director of Electrical and Mechanical Services' comments that the applicant should approach the electricity supplier for the requisition of cable plans to find out whether there was any underground cable (and/or overhead line) within or in the vicinity of the site. For site within the preferred working corridor of high voltage overhead lines at transmission voltage level 132kV and above as stipulated in the Hong Kong Planning Standards and Guidelines published by the Planning Department, prior consultation and arrangement with the electricity supplier was necessary. Prior to establishing any structure within the site, the applicant and/or his contractors should liaise with the electricity supplier to divert the underground cable (and/or overhead line) away from the vicinity of the proposed structure. The "Code of Practice on Working near Electricity Supply Lines" established under the Electricity Supply Lines (Protection) Regulation should be observed by the applicant and his contractors when carrying out works in the vicinity of the electricity supply lines.

Agenda Item 41

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/455 Temporary Warehouse for Storage of Power Cable, Multi-core Cable, Earth Strip, Control Panel for Transformer and Panel Support Channel Iron with Ancillary Office and Workshop for a Period of 3 Years in “Government, Institution or Community” zone, Lots 2530 (Part), 2531 (Part), 2532 RP (Part) and 2533 (Part) in D.D. 124 and Lot 310 RP (Part) in D.D. 127, Hung Shui Kiu, Yuen Long
(RNTPC Paper No. A/YL-TYST/455)

Presentation and Question Sessions

129. 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) proposed temporary warehouse for storage of power cable, multi-core cable, earth strip, control panel for transformer and panel support channel iron with ancillary office and workshop for a period of 3 years;
- (c) departmental comments –Director of Environmental Protection (DEP) did not support the application as there were sensitive receivers of residential use and schools in the vicinity of the site, and environmental nuisance was expected. There was no environmental complaint concerning the site received in the past 3 years. Other Government departments had no objection/adverse comment;
- (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 Planning Department (PlanD)'s views – PlanD did not support the application based on the assessment in paragraph of the Paper. The development involving storage use and ancillary workshop activities was considered not compatible with the surrounding residential uses, with the nearest dwellings located to its immediate southeast and at about 15m to its east in the adjoining “Residential (Group (B))1” zone. Besides, there were two secondary schools at about 70m to the north of the site across Hung Shun Road. In this regard, DEP did not support the application in view of the sensitive receivers of residential use and schools located in the vicinity. No information had been included in the submission to explain why suitable sites within the 30.06 ha of land zoned “Open Storage”, “Industrial” and “Industrial (Group D)” on the Tong Yan San Tsuen Outline Zoning Plan could not be made available for the applied use.

130. Members had no question on the application.

Deliberation Session

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

- (a) the development for storage use with ancillary workshop activities was not compatible with the residential and school uses in the surrounding areas. It would generate adverse environmental impact on these uses. No strong planning justification had been given in the submission to demonstrate why the development which used heavy vehicles for transportation and involved workshop activities should be tolerated, even on a temporary basis; and
- (b) there was no information in the submission to demonstrate why suitable sites within the “Open Storage”, “Industrial” and “Industrial (Group D)” zones on the Tong Yan San Tsuen Outline Zoning Plan could not be made available for the applied use.

[Professor David Dudgeon left the meeting at this point.]

Agenda Item 42

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-HT/641 Proposed Temporary Place of Recreation, Sports or Culture
for a Period of 3 Years in “Green Belt” zone,
Lots No. 1373, 1374, 1375, 1376, 1377, 1378, 1380 (Part),
1381 (Part), 1382, 1383, 1384, 1385, 1386, 1387, 1389, 1390,
1391 and 1392 in D.D.125 and Adjoining Government Land,
Ha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-HT/641)

Presentation and Question Sessions

132. The Committee noted that there were two replacement pages for pages 11 and 12 of the Paper correcting typo errors in the approval conditions (b) and (f).

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

- (a) background to the application;
- (b) proposed temporary place of recreation, sports or culture for a period of 3 years;
- (c) departmental comments –Director of Agriculture, Fisheries and Conservation (DAFC) noted that the application site was already formed with little natural vegetation and this appeared to be the result of pond filling and developments in the past. He had reservation on the application as it might cause adverse impact on the adjoining “Conservation Area” (“CA”). Further it might set an undesirable precedent for developments prior to planning approval. Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had some reservations on the application from the landscape planning point of view

as the site was mainly surrounded by lush woodland and there was a presumption against development in the “Green Belt” (“GB”) zone. Moreover, adverse visual impact would be resulted from the structures within the “GB” zone which was very sensitive to developments.

- (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 Planning Department (PlanD)’s views – PlanD did not support the application based on the assessment in paragraph 12 of the paper. According to the Town Planning Board Guidelines No. 10, there was a general presumption against development within the “GB” zone. Since “Recreation” zone (some 44 ha) on the Ha Tsuen Outline Zoning Plan was yet to be developed, there was no strong justification to develop the “GB” zone for recreational use. The proposed development did not meet the Town Planning Board Guidelines No.10 in that there were potential adverse landscape, visual and drainage impacts. In this respect, CTP/UD&L, PlanD had some reservation on the application from the landscape planning and visual perspective. Chief Engineer/Mainland North, Drainage Services Department also required a Drainage Impact Assessment for the proposed development in view of the large site area involved. Moreover, DAFC had reservation on the application as it might cause adverse impact on the adjoining “CA” zone, and set an undesirable precedent for developments prior to obtaining planning approval.

134. Members had no question on the application.

Deliberation Session

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

- (a) the proposed development was not in line 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) as there was a general presumption against development within this zone;

- (b) there were adverse comments from concerned Government departments on the drainage and landscape aspects against the application, and the development would have adverse drainage and landscape impacts on the surrounding areas; and
- (c) the approval of the application would set an undesirable precedent for similar applications within the “Green Belt” zone. The cumulative impact of approving such applications would result in a general degradation of the environment of the area. It would also encourage developments prior to *obtaining* planning approval.

Agenda Item 43

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-HT/642 Temporary Open Storage of Used Paper Product and Ancillary Packaging Workshop for a Period of 3 Years in “Comprehensive Development Area” and “Residential (Group D)” zones, Lots 48 S.A (Part), 48 S.B (Part) and 49 (Part) in D.D. 128 and Adjoining Government Land, Ha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-HT/642)

Presentation and Question Sessions

136. The Committee noted that there was a replacement page for page 14 of the Paper correcting typo errors in advisory clause (b).

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

- (a) background to the application highlighting that the site was related to 4 previous applications for open storage and port back-up uses submitted by different applicants. The last Application No. A/YL-HT/529 was approved by the Committee on 1.2.2008. However, the planning permission was revoked on 1.5.2009 due to non-compliance with the approval conditions on the submission of fire service installations proposals and the provision of fencing of the site;
- (b) proposed temporary open storage of used paper product and ancillary packaging workshop for a period of 3 years;
- (c) departmental comments –Director of Environmental Protection did not support the application as there were sensitive uses in the vicinity of the site and environmental nuisance was expected. However, no pollution complaint against the site was received since 2006. Other Government departments had no objection/adverse comment;
- (d) during the statutory publication period, 1 public comment from a Yuen Long District Councillor was received. The commenter objected to the application on the grounds that the revocation of the previous planning permission reflected the applicant’s insincerity in complying with approval conditions. The commenter considered that a shorter approval period of 1 year should be granted even if the Committee were to approve the application. No local objection/view was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)’s views – PlanD considered that the temporary open storage of used paper product and ancillary packaging workshop could be tolerated for a period of 3 years based on the assessment in paragraph 12 of the Paper. The applied use was not incompatible with the surrounding uses predominantly occupied by warehouses and open storage yards. As there was no immediate development proposal for the “Comprehensive Development Area”

("CDA") and "Residential (Group D)" ("R(D)") zones, approval of the application on a temporary basis for a period of 3 years would not frustrate the planning intention of the "CDA" and "R(D)" zones. The development was generally in line with the Town Planning Board Guideline No. 13E in that the site fell mainly within Category 1 areas (92%) and there was no adverse comment from concerned Government departments. To mitigate any potential environmental impacts, approval conditions on restrictions on operation hours, and the types of vehicles used for transportation of materials had been recommended. Since the last approval (Application No. A/YL-HT/529) was revoked due to non-compliance with the approval conditions and there was a public objection against the application regarding the insincerity of the applicant to comply with approval conditions, shorter compliance periods were proposed to monitor the progress of compliance with approval conditions. The applicant would also be warned that sympathetic consideration might not be given to further application should the applicant fail to comply with the approval condition(s) again resulting in the revocation of the planning permission.

138. Members had no question on the application.

Deliberation Session

139. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 18.9.2012, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no night time operation between 8:00 p.m. and 8:00 a.m., as proposed by the applicant, was allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, was allowed on the site during the planning approval period;
- (c) no heavy vehicle (i.e. over 24 tonnes), including container trailer and tractor was allowed for the operation of the site during the planning

approval period;

- (d) the existing trees on the site should be maintained at all times during the planning approval period;
- (e) the drainage facilities implemented on the site under Application No. A/YL-HT/529 should be maintained at all times during the planning approval period;
- (f) the submission of a condition record of the existing drainage facilities within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 18.12.2009;
- (g) the submission of fire service installations proposals, including sprinkler system, within 3 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 18.12.2009;
- (h) in relation to (g) 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 18.3.2010;
- (i) if any of the above planning conditions (a), (b), (c), (d) or (e) was not complied with during the approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (j) if any of the above planning conditions (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.

140. The Committee also agreed to advise the applicant :

- (a) that prior planning permission should have been obtained before continuing the development on-site;
- (b) that shorter compliance periods were granted in order to monitor the fulfilment of approval conditions. Should the applicant fail to comply with the approval conditions again resulting in the revocation of the planning permission, sympathetic consideration might not be given by the Committee to any further application;
- (c) to resolve any land issues relating to the development with the concerned owner(s) of the application site;
- (d) to note comments of the District Lands Officer/Yuen Long that the lots under application were Old Schedule Agricultural Lots held under the Block Government Lease upon which no structure was allowed to be erected without prior approval from his office; and his office did not provide maintenance works to the local vehicular access track to the site leading from Fung Kong Tsuen Road nor guarantee right-of-way;
- (e) to note Director of Fire Services' comments on the requirements of formulating fire service installations proposals as stated in Appendix V of the RNTPC Paper;
- (f) 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 to minimize any potential environmental nuisance; and
- (g) to note Assistant Commissioner for Transport/New Territories, Transport Department's comments that the land status of the road/path/track leading to the site should be checked with the lands authority. The management and maintenance responsibilities of the same road/path/track should be

clarified with the relevant lands and maintenance authorities accordingly;

- (h) to note the comments of Chief Building Surveyor/New Territories West, Buildings Department that the granting of this planning permission should not be construed as condoning to any unauthorized structures existing on site under the Buildings Ordinance (BO) and the allied regulations; actions appropriate under the BO or other enactment might be taken if contravention was found; the temporary shelter and the use of containers as offices were considered as temporary buildings and were subject to control under Building (Planning) Regulation (B(P)R) Part VII; formal submission of any proposed new works, including any temporary structure for approval under the BO was required; if the site was not abutting a specified street having a width of not less than 4.5m, the development intensity should be determined under B(P)R 19(3) at the building plan submission stage; detailed comments on the proposal, including the provision of an emergency vehicular access under B(P)R 41D, would be made at the formal building plan submission stage.

Agenda Item 44

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-HT/643 Temporary Open Storage of Containers with Ancillary Container Repair Workshop for a Period of 3 Years in “Open Storage” zone, Lots No. 1491 RP(Part), 1492 RP(Part), 1500, 1501 RP(Part), 1502 RP(Part), 1503 RP(Part), 1504 (Part), 1507 (Part), 1508 RP(Part) and 1510 RP(Part) in D.D.125 and Adjoining Government Land, Ha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-HT/643)

Presentation and Question Sessions

141. Mr. Anthony C.Y. Lee, STP/TMYL, presented the application and covered the

following aspects as detailed in the Paper :

- (a) background to the application ;
- (b) proposed temporary open storage of containers with ancillary container repair workshop for a period of 3 years;
- (c) departmental comments –Director of Environmental Protection did not support the application as there were sensitive uses along the access roads (Ha Tsuen Road and Tin Ha Road) and environmental nuisance was expected. However, no pollution complaint against the site was received since 2006. Other Government departments had no objection/adverse comment on the application;
- (d) no public comment was received during the statutory publication period and no local objection/view was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)’s views – PlanD considered that the temporary open storage of containers with ancillary container repair workshop could be tolerated for a period of 3 years based on the assessment in paragraph 12 of the Paper. Being located within the “Open Storage” zone, the applied use was not incompatible with the surrounding land uses of workshops and open storage yards for containers, construction materials and recyclable materials. The development was in line with the Town Planning Board Guidelines No. 13E in that there was no adverse comment from concerned Government departments and technical concerns raised by departments could be addressed by approval conditions. To mitigate any potential environmental impacts, approval conditions on restrictions on the operation hours, stacking height of containers on-site, had been recommended.

142. Members had no question on the application.

Deliberation Session

143. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 18.9.2012, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no night-time operation from 7:00 p.m. to 7:00 a.m., as proposed by the applicant, was allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, was allowed on the site during the planning approval period;
- (c) the stacking height of containers stored on the site should not exceed 7 units, as proposed by the applicant, during the planning approval period;
- (d) the submission of drainage proposals within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 18.3.2010;
- (e) in relation to (d) above, the provision of drainage facilities as proposed within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 18.6.2010;
- (f) the implementation of the accepted landscape proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 18.3.2010;
- (g) the submission of fire service installations proposal, including sprinkler system, for the office within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 18.3.2010;
- (h) in relation to (g) above, the provision of fire service installations for the office within 9 months from the date of planning approval to the

satisfaction of the Director of Fire Services or of the TPB by 18.6.2010;

- (i) 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
- (j) if any of the above planning conditions (d), (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.

144. 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 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 that the site was situated on Old Schedule Agricultural Lots granted under the Block Government Lease upon which no structure was allowed to be erected without prior approval from his office. The applicant should apply for Short Term Waiver (STW) to regularize the structures on the lots and to apply for Short Term Tenancy (STT) to regularize the unauthorized occupation of Government land. Should no STW/STT application be received/approved and the irregularities persisted on-site, his office would take appropriate lease enforcement/land control action against the registered owner/occupier; and his office did not guarantee right-of-way of vehicular access to the site from Ha Tsuen Road;
- (d) to note the comments of Chief Engineer/Sewerage Projects, Drainage Services Department (DSD) that DSD would commence a sewerage project in Yuen Long and Kam Tin. Part of the sewers/rising mains would be laid

under Ha Tsuen Road in the vicinity of the site. The construction works for these sewers/rising mains would commence in September 2009 for completion in mid 2013;

- (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 to minimize any potential environmental nuisance;
- (f) to note the comments of Director of Fire Services on the requirements of formulating fire service installations proposals as stated in Appendix IV of the RNTPC Paper; and
- (g) to note the comments of Chief Building Surveyor/New Territories West, Buildings Department that the granting of this planning permission should not be construed as condoning to any unauthorized structures existing on site under the Buildings Ordinance (BO) and the allied regulations; actions appropriate under the BO or other enactment might be taken if contravention was found; containers used as offices were considered as temporary buildings and were subject to control under Building (Planning) Regulation (B(P)R) Part VII; formal submission of any proposed new works, including any temporary structure for approval under the BO was required; if the site was not abutting a specified street having a width of not less than 4.5m, the development intensity should be determined under B(P)R 19(3) at the building plan submission stage; provision of emergency vehicular access was applicable under B(P)R 41D.

Agenda Item 45

Section 16 Application

[Open Meeting]

A/YL-NSW/188 Proposed Four Houses (New Territories Exempted Houses)
in “Undetermined” zone,
Lot 757 in D.D. 115, Tung Shing Lei, Nam Sang Wai, Yuen Long
(RNTPC Paper No. A/YL-NSW/188)

145. The Secretary reported that Dr. James C.W. Lau had declare an interest on this application as he had current business dealings with Ho Tin & Associates Consulting Engineers Ltd., which was one of the consultants for this application. The Committee noted that Dr. Lau had tendered apologies for not attending the meeting.

Presentation and Question Sessions

146. The Committee noted that the applicant’s representative on 2.9.2009 requested for deferment of the consideration of the application for two months in order to allow time for the applicant to prepare an additional assessment to address a new concern raised by the Director of Environmental Protection about air quality impact on the proposed redevelopment.

Deliberation Session

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

Agenda Item 46

Section 16 Application

[Open Meeting]

A/YL-NTM/235 Proposed Comprehensive Low-density Residential Development
in “Comprehensive Development Area” zone,
Various Lots in D.D.104, and Adjoining Government Land,
East of Sheung Chuk Yuen, Ngau Tam Mei, Yuen Long
(RNTPC Paper No. A/YL-NTM/235)

Presentation and Question Sessions

148. The Committee noted that the applicant’s representative on 7.9.2009 requested for deferment of the consideration of the application for two months in order to allow additional time for the applicant to prepare supplementary information to address the departmental comments regarding the issues related to environmental assessment, urban design and landscaping aspects as well as the departmental comments collected during the meeting with Tuen Mun and Yuen Long District Planning Office and Environmental Protection Department on 2.9.2009.

Deliberation Session

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

Agenda Item 47

Section 16 Application

[Open Meeting]

A/YL-MP/170

Proposed House (Low-rise, Low-density Residential) Development, Minor Relaxation of Building Height Restriction and Filling of Ponds in “Residential (Group D)” zone,
Lots 3207 RP, 3209 RP, 3220 RP, 3221 RP, 3224 RP, 3225 S.A RP, 3225 RP, 3225 S.C RP, 3226 S.A RP, 3226 RP, 3228, 3229, 3230 RP, 3250 S.B ss.33 S.B, 3250 S.B ss.21 RP, 3250 S.B ss.40 (Part) and 4658 (Part) in D.D. 104, and Adjoining Government Land, Mai Po, Yuen Long
(RNTPC Paper No. A/YL-MP/170)

150. The Secretary reported that the application was submitted by a subsidiary of Henderson Land Development Co. Ltd. (Henderson). Mr. Alfred Donald Yap, having current business dealings with Henderson, had declared an interest in this item. World Wide Fund for Nature Hong Kong (WWF) had submitted a public comment on the application. Professor David Dudgeon, being a Trustee of WWF and a Member of the Mai Po Management and Development Committee under WWF, had declared an interest in this item. Dr. James C.W. Lau had declared an interest on this application as he had current business dealings with Ho Tin & Associates Consulting Engineers Ltd., which was one of the consultants for this application.

151. The Committee noted that Dr. Lau had tendered apologies for not attending the meeting and Professor David Dudgeon had left the meeting already. As the applicant had requested to defer consideration of the application, the Committee agreed that Mr. Yap could stay in the meeting.

Presentation and Question Sessions

152. The Committee noted that the applicant’s representative on 8.9.2009 requested for deferment of the consideration of the application for two months in order to allow additional time to address the outstanding industrial/residential interface issues raised by Director of Environmental Protection.

Deliberation Session

153. After deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending the submission of additional information from the applicant. The Committee also agreed that the application should be submitted to the Committee for consideration within two months from the date of receipt of additional information from the applicant. The Committee also agreed to advise the applicant that two months were allowed for preparation of the submission of the further information and as the Committee has allowed a total of 10 months since the application was first deferred by the Committee on 24.10.2008 for preparation of submission of further information, no further deferment would be granted unless under very special circumstances.

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

Agenda Item 48

Any Other Business

154. There being no other business, the meeting was closed at 5:45 p.m..